

Assembly and Executive Review Committee

Review of the Number of Members of the Northern Ireland Legislative Assembly and on the Reduction in the Number of Northern Ireland Departments

Part 1 - Number of Members of the Northern Ireland Legislative Assembly

Together with the Minutes of Proceedings of the Committee relating to the Report, the Minutes of Evidence, Written Submissions, Northern Ireland Assembly Research and Information Papers and Other Papers

**Ordered by the Assembly and Executive Review Committee
to be printed on 12 June 2012**

Report: NIA 52/11-15 (Assembly and Executive Review Committee)

**REPORT EMBARGOED
UNTIL COMMENCEMENT OF
THE DEBATE IN PLENARY**

Committee Powers and Membership

Powers

The Assembly and Executive Review Committee is a Standing Committee established in accordance with Section 29A and 29B of the Northern Ireland Act 1998 and Standing Order 59 which provide for the Committee to:

- consider the operation of Sections 16A to 16C of the Northern Ireland Act 1998 and, in particular, whether to recommend that the Secretary of State should make an order amending that Act and any other enactment so far as may be necessary to secure that they have effect, as from the date of the election of the 2011 Assembly, as if the executive selection amendments had not been made;
- make a report to the Secretary of State, the Assembly and the Executive Committee, by no later than 1 May 2015, on the operation of Parts III and IV of the Northern Ireland Act 1998; and
- consider such other matters relating to the functioning of the Assembly or the Executive as may be referred to it by the Assembly.

Membership

The Committee has eleven members including a Chairperson and Deputy Chairperson with a quorum of five. The membership of the Committee is as follows:

Stephen Moutray (Chairperson)
 Pat Sheehan (Deputy Chairperson)
 Roy Beggs
 Gregory Campbell
 Stewart Dickson
 Pat Doherty¹
 Paul Givan
 Simon Hamilton
 John McCallister^{2 3}
 Raymond McCartney
 Conall McDevitt
 Sandra Overend

1 With effect from 12 September 2011 Mr Pat Doherty replaced Mr Paul Maskey
 2 With effect from 26 September 2011 Mrs Sandra Overend replaced Mr Mike Nesbitt
 3 With effect from 23 April 2011 Mr John McCallister replaced Mrs Sandra Overend

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Executive Summary

1. The Assembly and Executive Review Committee is a Standing Committee of the Northern Ireland Assembly which was established to:
 - make a report to the Secretary of State, the Assembly and the Executive Committee, by no later than 1 May 2015, on the operation of Parts III and IV of the Northern Ireland Act 1998; and
 - consider such other matters relating to the functioning of the Assembly or the Executive as may be referred to it by the Assembly.
2. The Secretary of State for Northern Ireland intends to bring forward a Northern Ireland Bill in the Third Session of Parliament. The Bill will provide an opportunity to make changes to the Northern Ireland institutions where there is broad support among the Assembly Parties and where Westminster primary legislation would be required, such as future amendments to the Northern Ireland Act 1998.
3. The Committee requested the Political Parties and the Independent Members of the Assembly for their priorities for the Committee's immediate review of the provisions of Parts III and IV of the Northern Ireland Act, within the available timescale set out by the Secretary of State for his proposed Northern Ireland Bill i.e. proposals with the Secretary of State in June 2012. Following consideration of the responses, the Committee agreed that its immediate review would be the area of the size of the Assembly and the number of Northern Ireland departments.
4. The Committee agreed the Terms of Reference for the Review, a Stakeholder 'Call for Evidence' Paper and a stakeholder list which included all Political Parties registered in NI. It was agreed that Part I of the Review would consider and report on the number of MLAs by early June 2012.
5. The Committee received and considered 25 Stakeholder responses to the Review, focusing on the views on the five Key Issues set out in the Committee's 'Call for Evidence' Paper. The Committee also received oral evidence from Professor Rick Wilford (Queen's University Belfast), the Northern Ireland Local Government Association (NILGA) and the Clerk/Director General of the Northern Ireland Assembly (Mr Trevor Reaney).
6. The Committee commissioned and considered a series of Assembly Research Papers in order to inform Members' discussions and views on the issues arising from this Review.

The Committee concluded that:

- a) **It is clear that, although the Committee considered the five Key Issues as set out in the Stakeholder 'Call for Evidence' Paper separately, Members consider that the Issues are very much interlinked and that a holistic approach to reaching a view on the size of the Assembly in terms of the number of MLAs should be taken;**
- b) **The options considered by the Committee, as set out in Table 1 (in the 'Conclusions' section – paragraphs 120-137), were seen as very useful in that they provided apparent implications for several scenarios that take into account the possible number of Assembly constituencies and possible 'multipliers' per constituency in terms of the number of MLAs, under both coupled and decoupled models. It may indeed prove to be a useful tool to aid the establishment of the final position for the size of the NI Assembly;**
- c) **It could not reach consensus on the size of the Assembly. This Report therefore sets out in some detail in the 'Committee Consideration' section (paragraphs 41-119) the particular position of the Political Parties represented on the Committee on the four Key Issues under the first part of this Review. This section also includes the views of**

other key stakeholders who responded to these Issues – including the other Political Parties of the Assembly and one Independent Member. The Report then sets out in summary a set of possible options (Table 1 in the ‘Conclusions’ section), which may prove to be a useful tool to aid the establishment of the final position for the size of the Northern Ireland Assembly;

- d) In relation to Plenary business, it was apparent from the evidence considered (when comparing the NI Assembly to other legislatures in the UK and Republic of Ireland) that there is some variety of practice in the scheduling of parliamentarians’ business. The Committee therefore concluded that there may be opportunities to enhance Assembly effectiveness in this regard;**
- e) On the basis of the Chairpersons’ Liaison Group (CLG) response and the issues identified by the Committee, the Committee concluded that it would be prudent for the Assembly to make an early start to a review of the Assembly Committee System and that the CLG should have an important role in this review.**

Introduction

Background to the Review

7. The Secretary of State for Northern Ireland intends to bring forward a Northern Ireland Bill in the Third Session of Parliament. The primary purpose of the Bill is to effect changes relating to political donations in Northern Ireland. However, it also provides an opportunity to make changes to the Northern Ireland institutions where there is broad support among the Political Parties and where Westminster primary legislation would be required, such as future amendments to the Northern Ireland Act 1998. This relates directly to the Assembly and Executive Review Committee's power to:

'Make a report to the Secretary of State, the Assembly and the Executive Committee, by no later than 1 May 2015, on the operation of Parts III and IV of the Northern Ireland Act 1998'

8. With the Secretary of State seeking to introduce this Bill in the Third Session of Parliament, the Assembly and Executive Review Committee agreed that it would take forward an immediate review of a key area in relation to the operation of Parts III and IV of the Northern Ireland Act 1998 much earlier than planned.
9. The proposed Bill may be the only opportunity to make institutional changes, where Westminster primary legislation would be required, prior to the next Assembly election. The Secretary of State is seeking Assembly agreed proposals for change prior to the summer recess of 2012.

Current Arrangements in Northern Ireland

10. The Belfast Agreement states that 'A 108 member Assembly will be elected by PR-STV from existing Westminster constituencies.'
11. Consequently Section 33 of the Northern Ireland Act 1998 states that:
 - (1) *The members of the Assembly shall be returned for the parliamentary constituencies [Westminster] in Northern Ireland*
 - (2) *Each constituency shall return six members'*
12. There are currently 18 Westminster Parliamentary constituencies in Northern Ireland, therefore, as a direct consequence, there are 108 Members of the Legislative Assembly (MLA).
13. Legislation by the Westminster Parliament is required for s33 of the Northern Ireland Act to be changed.

The Parliamentary Voting System and Constituencies Act 2011

14. The Parliamentary Voting System and Constituencies Act 2011 will reduce the number of Westminster Parliamentary constituencies from 650 to 600. As a result, the number of Parliamentary constituencies in Northern Ireland will be reduced from 18 to 16 for the purposes of the next UK Parliamentary election. Therefore, as a direct consequence, mandated by s33 of the Northern Ireland Act 1998, the number of MLAs will be reduced from 108 to 96.

Comparative Arrangements in other Devolved Legislatures in Relation to Constituencies and ‘Decoupling’

15. Unlike the Northern Ireland Assembly, the Scottish Parliamentary and the National Assembly for Wales’ constituency boundaries are now not coterminous with Westminster boundaries. In other words, those legislatures have ‘decoupled’ from Westminster constituency boundaries.
16. Section 2 of the Government of Wales Act 2006 specifies that the National Assembly for Wales’s constituencies are the parliamentary constituencies in Wales.
17. Section 13 of the Parliamentary Voting System and Constituencies Act 2011(PVSC Act) amended that section to provide that the Welsh Assembly constituencies are the constituencies specified in the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006, as amended. The effect is that any future changes to Parliamentary constituencies made under the new rules introduced by the PVSC Act 2011 will not change Welsh Assembly constituencies.
18. The Scottish Parliament (Constituencies) Act 2004 removed the statutory link between the Scottish Parliamentary constituencies and those for the House of Commons. As a result the number of MSPs remained at 129, even when the number of MPs was reduced.
19. If the Northern Ireland Assembly were to decouple from Westminster boundaries, legislation by the Westminster Parliament is needed.

Reducing the Number of MLAs and Maintaining Assembly Effectiveness

20. Issues 3 and 4 of the Terms of Reference relate to the number of MLAs required for the Assembly to function effectively and for those elected individuals to discharge their full range of constituency and parliamentary functions. The key functions of the Assembly include:
 - Representing the key interests of the people;
 - Holding the Executive to account;
 - Advising and assisting the Executive
 - Scrutinising and approving the budget; and
 - Making and passing legislation
21. In addition to statutory functions, increasing importance has also been attached by the Assembly to ensuring that it effectively engages local people in its operations.
22. MLAs cover a variety of business areas and communities, including constituency business, Plenary business in the Chamber, participation in Assembly Committees and other commitments such as all-party groups.
23. Reducing the number of MLAs will have implications for both parliamentary and representative functions. These need to be considered and proposals are required to assist in sustaining effectiveness.

The Committee System

24. The committee system is recognised as being a crucial component of modern parliamentary systems and is particularly important in unicameral legislatures such as the Assembly. The current committee system is a product of the Northern Ireland Act 1998 (as amended) and the Assembly’s Standing Orders. As might be expected the Northern Ireland Act requires the Assembly’s Standing Orders to make provision for establishing ‘statutory committees’.

25. The Belfast (Good Friday) Agreement states in paragraph 9 of Strand One 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'*.
26. Section 29 of the Northern Ireland Act 1998 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'*. It also confers on these committees the powers described in paragraph 9 of the Belfast Agreement.
27. The Northern Ireland Act 1998 also makes provision for Standing Committees such as the Assembly and Executive Review Committee and the Audit Committee, with Standing Orders providing for a number of further committees to assist the Assembly in discharging its functions.

The Committee's Approach to the Review

28. At its meeting on 27th September 2011, the Committee considered a letter from the Secretary of State (see Appendix 5) regarding a Bill that he intends to put forward in the Third Session of Parliament. The primary purpose of the Bill provides an opportunity to make changes to the Northern Ireland institutions where there is broad support among the Political Parties and where Westminster primary legislation would be required, such as future amendments to the Northern Ireland Act 1998.
29. The Committee agreed that the Chairperson issue a letter to Political Parties and the independent Members of the Assembly to request their immediate priorities for the Committee's review of the provisions of Parts III and IV of the Northern Ireland Act, within the available timescale set out in a further letter from the Secretary of State's letter (see Appendix 5) for a proposed Northern Ireland Bill.
30. At its meeting on 17th January 2012, the Committee considered responses from the Political Parties. It appeared, from the responses, that there was some level of agreement that the Committee reviews the area of the size of the Assembly and the number of Northern Ireland departments.
31. At subsequent Committee meetings of 31st January 2012 and 7th and 14th February 2012, the Committee agreed the Terms of Reference for the Review, a timeline for the Review, a Stakeholder 'Call for Evidence' paper and a list of key stakeholders to which the Committee would write to request written evidence (see Appendix 3).
32. In addition to requesting written evidence from key stakeholders, the Committee agreed to use a signposting advertisement in the three daily papers (15th February 2012) in order to attract a wider public sector and public response to its 'Call for Evidence'. This directed interested parties to a dedicated webpage on the Committee's website with the Terms of Reference for the Review, as well as the 'Call for Evidence' paper. Any organisation/individual was therefore able to refer to these documents and respond to the Review.
33. The Committee received and considered 25 Stakeholder responses to the Review, focusing on the views on the five Key Issues set out in the Committee's 'Call for Evidence' Paper.
34. The Committee Chairperson and Deputy Chairperson met with the First and deputy First Minister on 4th April 2012 regarding the Review. Correspondence in relation to this and a note of the meeting are included at Appendix 5.
35. The Assembly Research and Information Service (RaISe) was commissioned to undertake appropriate research to inform the Committee and a number of Research Briefing Papers (listed below) are set out in Appendix 6.
 - *The Size of the Assembly and Number of Government Departments (including Efficiency Review Panel)*
 - *Parliamentary Voting System and Constituencies Bill*
 - *Parliamentary Voting System and Constituencies Act 2011*
 - *Update Paper on the Size of Assembly*
 - *Size of the Northern Ireland Assembly*
 - *Electoral Systems for the Scottish Parliament and National Assembly for Wales*
 - *Further Information relating to the Structure of the Northern Ireland Assembly*
 - *Scheduling Parliamentary Time*
 - *Committee Stages of Bills*

- *Further information on plenary and committee business in the NI Assembly and other legislatures*
- *Electoral Constituencies*
- *Electoral Constituencies - Further information on Decoupling in Scotland*

36. The Terms of Reference for the Review are as follows:

The Assembly and Executive Review Committee will review the potential benefit of streamlining governing institutions, focusing on the number of MLAs elected to the Northern Ireland Assembly as a result of the Parliamentary Voting System and Constituencies Act 2011 and any further reductions for the next Assembly election; and on the reduction in the number of Northern Ireland departments and associated re-allocation of functions.

37. The Committee agreed to conduct the Review in three key phases:

Phase 1 – Review Evidence Gathering

The Review will take evidence on five Key Issues:

1. Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link;
2. The implications of the forthcoming reduction (on the implementation of the Parliamentary Voting System and Constituencies Act 2011) and any further reduction in the number of MLAs;
3. The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity;
4. Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system; and
5. The reduction in the number of NI departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions are maintained.

Phase 2 – Consideration and Report on Number of MLAs (Part 1 of this Review)

The Committee will consider all evidence received in relation to reducing the number of MLAs and report and make recommendations to the Assembly on these matters by early June 2012.

Phase 3 – Consideration and Report on Number of NI Departments (Part 2 of this Review)

The Committee will consider all evidence received in relation to reducing the number of Northern Ireland departments and report and make recommendations to the Assembly in late October 2012.

38. The Committee also agreed that the following issues are outside of the scope of the Review:

- Alternative electoral systems/ models; for example, additional member system or alternative vote and;
- The statutory basis for the current committee system.

39. The Committee considered oral evidence from Professor Rick Wilford (Queen's University Belfast), the Northern Ireland Local Government Association (NILGA) and the Clerk/Director General of the Northern Ireland Assembly (Mr Trevor Reaney) at its meetings of 28th February, 13th and 20th March 2012 respectively. The Minutes of Evidence (Hansards) for these oral

evidence sessions and all evidence session pertaining to the consideration of this Report on Part 1 of the Committee's Review (i.e. reducing the number of MLAs) are at Appendix 2.

40. The Committee considered Stakeholder submissions (Appendix 4) at its meetings of 17th, 24th April 2012 and 8th, 15th and 29th May 2012. The Minutes of Proceedings relevant to this Part 1 of the Committee's Review are included at Appendix 1.

Committee Consideration

Summary of Stakeholder Submissions and Committee Deliberations

41. A summary analysis of stakeholder submissions and full copies of stakeholder submissions received can be found at Appendix 4 of this Report. The summary analysis is structured to reflect stakeholders' responses to the five Key Issues of the Committee's Review – reflected in the Terms of Reference of the Review. These Key Issues and associated questions were set out in section 4 of the Committee's Stakeholder 'Call for Evidence' Paper (see Appendix 3). The following sections of this Report highlight key points in stakeholder submissions on each of the four Issues in turn and, in particular, the Committee's deliberations on these Issues – including the position of the Political Parties represented on the Committee in alphabetical order.
42. The fifth Issue in the Stakeholder 'Call for Evidence' Paper in relation to the number of NI Government departments is primarily the focus of the second part of this Review, which the Committee has agreed to report on in late October 2012.

Issue 1: Whether the statutory link between Westminster and NI constituencies should be removed and the implications of removing or retaining this link

43. The questions asked by the Committee of stakeholders under this issue were:
- What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?
 - Please offer supporting evidence for your view on whether the link should be removed, or retained.
 - If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?
44. The **Alliance Party's** position in its written submission was as follows:
- 'The Alliance Party are aware of the arguments for both decoupling and continuing with the existing statutory link. Given the debate around this issue we feel it would be best dealt with at the leaders meeting.'*
- 'Irrespective of whichever decision is taken on the statutory link it is essential that the need for simplicity and consistency for the electorate is kept as the main concern.'*

During Committee deliberations the Alliance Party's position was:

Alliance is open to be persuaded on this issue and stressed that two factors need to be taken into account – simplicity and consistency. Simplicity from the standpoint that constituency boundaries (for the election of Councillors/MLAs/MPs) must not be confusing to the electorate, and consistency from the standpoint that constituency boundaries should remain stable and settled.

On the discussion regarding using new Council boundaries for Assembly constituency boundaries, Alliance pointed out that in certain circumstances some councillors elected may have a stronger mandate than an MLA.

To decouple has the potential to allow the Assembly to control and have stability in terms of the number of constituencies.

45. The **DUP's** submission did not specifically address this issue. During Committee deliberations the DUP's position was:

DUP is *“instinctively in favour of keeping the Westminster boundaries”* – not only from a Unionist perspective, but also for practical reasons i.e. potential for electorate confusion if there are separate boundaries for the election of Councillors/MLAs/MPs.

In relation to the possibility of using new RPA boundaries for Assembly constituency boundaries – DUP would caution against this because of the significant variance in the size of constituencies and therefore the number of MLAs for each constituency e.g. Belfast would be a very big constituency and there would be smaller constituencies in the West. Apart from creating distortions, smaller constituencies might be perceived as inferior. DUP restated in the light of the Assembly Research paper [on *‘Electoral Constituencies’*], that it would be, *“incredibly difficult to have the local government boundaries as your [NI Assembly] constituencies...”*

DUP also raised the point that, in theory, NI politicians could control the number of constituencies in the area (acknowledging the fact that ultimate control lies elsewhere), by increasing the number of registered voters. Therefore, NI has some control over the size and number of constituencies.

An area in which there is room for debate is the view that the number of NI constituencies could go back up again if NI remained coupled with Westminster boundaries. However, DUP would question if there is a significant enough risk of this happening and whether that risk is outweighed by the benefits of remaining coupled; but there is merit in exploring how the *‘coupled system’* could be *“tightened and solidified”*.

DUP is *“fairly open to discussion around question number [Issue] 1 and decoupling on the basis of an appreciation for some of the points that others had made”*. There is *“some attraction in getting resolution to this that is not potentially forever fluctuating up and down,”* and, *“looking at some sort of solution here that is firm for the period until the Assembly wanted to deliberate on it again”*.

DUP has a concern and would be interested in knowing whether the electorate in Scotland/Wales have expressed confusion in the decoupled *“three-tiered”* boundaries system or, *“whether it has been shown effective on the ground”* or has affected voter turnout. DUP would be interested to know this information before they *“came to any firm decision”* on its position.

“The issue of decoupling should not be the principle...the principle should be, ‘do we think that the Assembly could function better, more efficiently and more effectively with fewer Members.’”

“Decoupling can present a fixed number of constituencies – possibly on current or future boundaries rather than having a whole different set of constituencies. For example, you could agree on 16 constituencies on the basis that that is the right number for the Assembly by whatever multiplier. It would [first of all], be useful to have Parties views on the reduced number of MLAs required and ensuring the effectiveness of the Assembly [i.e. Issue 3] – in terms of agreement in principle a reduced number of MLAs is required; and then what would be the range or specific number of MLAs.”

In relation to the Committee’s deliberation on the options table in the *‘Conclusions’* section of this Report, DUP stated that, *“...it does set out clearly what the options are...it is very useful in setting out for Members the ways to get those numbers [of MLAs] and the issues that arise from that, that we had not thought of.”*

46. **The SDLP** did not provide a written submission, but its Party representative stated its position at the Committee’s meeting of 24th April 2012 as follows:

‘We believe that very serious consideration should be given to whether the statutory link between Westminster and Assembly constituencies is in the best interests of our region. We have raised previously the fact that there is nothing to say that, in future, the number of Westminster constituencies could not go back up again. Therefore, you would have a

situation where the Assembly numbers could be forced down and forced up and then forced down and up again on a four- or five-year cycle to follow the vagaries of population spreads across the UK as a whole. That certainly would not be in the interests of this region and would not be conducive to political stability or to a good relationship between constituents and their public representatives at Assembly level.'

'So, we would be very keen for this body, the Assembly and Executive Review Committee (AERC), to reflect on that and to speak with some authority on the matter in the report.'

During Committee deliberations the SDLP's position was:

SDLP is in favour of removing the statutory link due to the potential for instability in Westminster boundaries and there is a concern around *"the vagaries around the new Westminster formula"*. SDLP believes that, on the point regarding NI having some control over the size and number of constituencies, it is not as simple as recruiting more voters – and believes that the formula in England could affect this and it could result in voter numbers being taken off Northern Ireland in order to increase elsewhere.

In relation to size of constituency and number of MLAs per constituency –SDLP doesn't get the impression that people think that the constituencies are too small, but rather that there are too many MLAs per constituency.

On the discussion regarding a symmetry between RPA and Assembly boundaries, SDLP would like to see a *"bottom up"* approach to determining MLA constituencies and the number of MLAs per constituency – that is, firstly looking at the population of an area and then determining the number of MLAs needed to represent this population. Also, on the Assembly having the same boundaries as Councils, this is positive because people have a sense of affinity with Council boundaries and Councils have a relationship with MLAs.

47. **Sinn Féin's** position in its written submission was as follows:

'Sinn Féin would consider options to decouple Westminster constituencies to replicate RPA as part of any overall review.'

During Committee deliberations the Sinn Féin position was:

The new RPA boundaries presents an opportunity – that is, if using RPA boundaries brings certainty and stability to Assembly constituency boundaries in the longer term, then boundaries for electing MLAs should look at how they can fit into those RPA boundaries. There is concern on the uncertainty around Westminster boundaries e.g. the possibility that if voter registration numbers in England, Scotland and Wales went up or down, this could affect the number of NI constituencies.

The Assembly Research Paper [on *'Electoral Constituencies'*], *"shows the tendency of the Westminster boundaries to go up and down, which we feel just would add to that uncertainty"*. Sinn Féin would also be interested to see the impact of the boundary changes in Scotland and Wales.

"With regard to the issue of decoupling, the Research [papers] for the last couple of weeks shows the evidence does not exist that there will be uncertainty around the number of [Assembly] constituencies [if Assembly and Westminster constituencies remain coupled]."

In relation to the Committee's deliberation on the options table in the *'Conclusions'* section of this Report, Sinn Féin stated that, *"It outlines the options clearly, and at some stage, someone is going to have to make a decision on it. I do not think it is going to happen here."*

48. **The UUP's** position in its written submission was as follows:

'The Ulster Unionist Party is not in favour of decoupling from the Westminster constituency model for Assembly elections.'

'Firstly, it has the potential to create unnecessary confusion as the public would be faced with three differing boundary sets given the new 11 council model, the Westminster Constituencies and decoupled Assembly constituencies.'

'Secondly, this would mean that the existing discrepancies with the variation of representation of the current constituencies would continue despite population changes.'

'Thirdly, the link with Westminster constituencies is an important one which the Ulster Unionist Party would be reticent to break given Northern Ireland's integral place within the Union.'

During Committee deliberations the UUP's position was that:

Continuing to use Westminster boundaries for the Assembly would be simpler and give clarity to the electorate regarding their appropriate public representatives. A three-tiered system for boundaries (different boundaries for Councillors/MLAs/MPs) will add to confusion.

Furthermore, the current changes that are being undertaken in local government will result in a significant decrease in the number of local councillors – a major change in local government and local representation. To add to this impending change, there will also be an automatic change in the number of MLAs via the Parliamentary Voting System and Constituencies Act 2011 (16 Westminster constituencies rather than 18). With such upcoming changes to both local and national government, UUP would like to let the change to 96 MLAs stabilise before going any further. On using local government boundaries, UUP raised the point regarding the practicalities of an election returning a large number of candidates for big constituencies like Belfast.

In relation to the Committee's deliberation on the options table in the 'Conclusions' section of this Report, UUP stated that, "...it is useful [the options]...In terms of final preference, everything would need to be in the mix, including the number of departments and so on. You need to have a full picture of what is coming together."

49. The **Green Party's (GPNI)** submission stated:

'GPNI is committed to a smaller Northern Ireland Assembly elected either by (1) a form of multi-member constituency PR-STV with a "top-up" regional list or (2) an Additional Member System with single member constituencies and a single Northern Ireland Regional Constituency.'

'Not only would we welcome a decoupling of Assembly boundaries from Westminster boundaries but, clearly, we believe there should be a complete redesign of how the Assembly is elected. New constituencies should be built in a "bottom up" fashion from new Local Government electoral wards and council boundaries.'

50. The **Traditional Unionist Voice (TUV)** submission stated:

'There is no compelling reason to keep the present link between the Westminster and Northern Ireland Assembly constituencies.'

'12 constituencies, each returning 6 members, would give an appropriately sized Assembly.'

51. **Mr David McNarry, MLA (Independent)** in his submission stated:

'The Northern Ireland Assembly is a devolved institution deriving its power from the Westminster Parliament which is sovereign. Due to this, I believe it would be inappropriate to decouple the Assembly seats from Westminster Parliamentary constituencies.'

'With 16 Westminster seats this indicates either 5 or 6 seats per constituency.'

'...as the number of departments is being reduced from 12 to 8, a reduction of a third. A similar reduction in the number of MLAs would indicate 72 MLAs.'

'By keeping a link to the 16 Westminster constituencies this indicates a total of 80 MLAs with 5 members in each.'

52. The **Chief Executive/Clerk to the Welsh Assembly** provided in his submission a factual account of the electoral system and decoupled position in Wales and stated:

'The Parliamentary Voting System and Constituencies Act 2011 de-coupled National Assembly for Wales constituencies from Parliamentary constituencies. The latter will be reduced to around 30 in Wales.'

'...the Boundary Commission won't be reporting on the new constituencies until October 2013... From then on there will be two different sets of constituency - Parliamentary ones and Assembly ones. There are currently no plans, or mechanisms, to revise the boundaries of Assembly constituencies.'

53. **Dr Yvonne Galligan, Centre for Advancement of Women in Politics, QUB** in her submission stated:

'The matter of decoupling does not raise particular difficulties from the point of view of ensuring gender equity in political representation.'

'Perhaps the key issue to consider here is whether future revisions to either the Assembly size or constituency size will be determined by further boundary adjustments or increases/reductions in constituency seats while keeping constituency boundaries intact.'

54. **Professor Rick Wilford, QUB** in his submission outlined a number of advantages and disadvantages of decoupling and stated:

'[I am] Somewhat conflicted by the issue: retaining the status quo may seem to be the simplest position to adopt. It would tie the NIA into a known, though by no means uncontroversial process. However, the prospect of further changes in Westminster boundaries... may well give pause for thought. If there were to be further changes in NI (i.e. a reduction in the number of MPs/constituencies) the issue would recur. For that reason, politicians may be attracted by the demise of co-terminosity between Westminster and the NIA: it would, all other things being equal, lead to enhanced constituency stability. On balance, I'm generally disposed to de-coupling.'

55. The **Conservative and Unionist Party NI** in its submission stated:

'Given the transparent advantages of coterminosity (listed in full submission), the limited impact of the 2011 Act on constituency numbers (albeit not on constituency boundaries) and the ability of the STV system in any case to offset changes in the number of Westminster constituencies through changes in the number of MLAs, we conclude the coterminosity should be maintained.'

56. **Procapitalism** stated in its submission the advantages of decoupling follows:

The Assembly would have autonomy over the choice of the number of constituencies. Disadvantages of decoupling include: The Assembly would be inclined to propagate for a maximum number of constituencies.

'Locally accountable democracy is still a novelty for Northern Ireland.'

57. The **Northern Ireland Local Government Association (NILGA)** stated in its submission:

'NILGA is of the view that, whatever the final decision, it must be easily understood by, and well communicated to, the public.'

'The current co-terminosity with Westminster boundaries is clear and easy to understand. An additional system of boundaries specific to the Assembly would add a layer of complexity to existing arrangements.'

'A potential alternative solution would be to align with the post-reform council boundaries, and allocate an appropriate number of MLAs in each of the 11 new areas. This would also enable a dynamic relationship between the two tiers of elected members.'

58. **Platform for Change** in its submission stated:

'Platform for Change sees no need for a coupling between the boundaries of the assembly and Westminster constituencies. As in Scotland and Wales, the distinct functions of the devolved parliament/assembly and Westminster mean there is no logical need for co-terminosity.'

'Platform for Change would be perfectly happy with an Assembly reduced in size to 80 members, which would be the outcome of a reduction by two in the number of Westminster constituencies on which the assembly is currently based, allied to a reduction by one in the number of members per constituency. But this is not the way to do it.'

'What is required is an impartial review under an independent commission to consider the electoral system to the Northern Ireland Assembly, with the corollaries of the number of constituencies and, depending on the system advocated, the number of Assembly members.'

59. **Mr James Edgar** in his submission stated:

The main advantage (of decoupling) would be that if the Westminster parliament should in the future decide to change the number of constituencies in Northern Ireland, then this would impact directly on representation in the Assembly. This would mean that the number of M.L.A.'s would be changed.

"Decoupling" would allow the Assembly to be in control of its own requirements and allow for greater stability on this issue. The Assembly would not have to be concerned about any further boundary redistribution after the next General Election in 2015. It would also bring the Northern Ireland Assembly into line with both the Scottish Parliament and the National Assembly for Wales.'

'The author would recommend that the next Assembly election should use the new Westminster parliamentary constituencies (assuming there will be sixteen).'

60. The **Royal Town Planning Institute Northern Ireland (RTPI)** stated in its submission:

'RTPI NI members have expressed the view that a link between Westminster and Northern Ireland constituencies should be retained. It was felt that the link would allow for a more user friendly option that offers ease of use and administration advantages.'

61. The **Women's Tec** stated in its submission:

'Northern Ireland constituencies should be decoupled from Westminster constituencies, as they are in Scotland and Wales.'

'The current situation is that there will be an automatic reduction in the number of MLAs based on UK-wide adjustments, rather than careful consideration of the needs of Northern Ireland as a region in the transition from conflict.'

62. Arising from Committee discussion on Issue 1, the Committee agreed to commission the Assembly Research and Information Services to provide further information on:

- a. If Assembly boundaries remaining coupled with Westminster boundaries, what is the likelihood of a rise or decrease in the number of NI constituencies in the future i.e. the risk of this occurring and re-occurring;
- b. Possibility of using the new local Council/RPA boundaries for the MLA boundaries – how this might work (e.g. by varying the number of MLAs for some constituencies) and what precedent is there for this model; and

- c. Further information on whether there is any evidence to suggest that the electorate in Scotland and Wales finds the separate boundaries for local/regional/Westminster elections (a 'three-tiered system') confusing.

And also to commission Assembly Legal Services to provide advice on:

- a. The legal implications of decoupling with a fixed number of Assembly constituencies and if there are there any legal constraints.

63. The Assembly Research Papers on the above are available Appendix 6 of this Report.

Issue 2: The implications on the forthcoming reduction in the number of MLAs via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

64. The questions asked by the Committee of stakeholders under this issue were:

- What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?
- A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?
- Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

65. The **Alliance Party's** position in its written submission was as follows:

'The Alliance Party is supportive of a reduction in the number of MLAs. The reduction in the number of constituencies represents a good opportunity to do this. On the basis of a move from 18 to 16 constituencies the Assembly would be reduced in size from 108 to 96 MLAs. We would be supportive of a further decrease by reducing the number of MLAs per constituency from 6 to 5; providing an Assembly with 80 Members.'

'This would be more in keeping with the size of Northern Ireland and the need for efficient government. Alliance would caution against going below five members per constituency. At below five, proportionality begins to be lost. This is seen in elections to the Dail, which can be on the basis of 3, 4 and 5-seat constituencies. Proportionality is particularly critical in a deeply divided society such as ours.'

'Five MLAs per constituency may also be more reasonable from a cost perspective.'

66. The **DUP's** submission did not specifically address this issue. During Committee deliberations the DUP's position was:

[DUP] Would be in favour of 80 MLAs. The Party also raised the point that other papers have stated that altering the number of MLAs per constituency in terms of different numbers (4 or 5 or 6) would affect proportionality.

In relation to direct implications, the PVSC Act 2011, "moves us from 16 to 15 or up to 17, and that then creates a fluidity where you are never quite certain," and, "...if we say that we want the Westminster constituencies to continue to be our constituencies in the Assembly, then we are never in control as an Assembly of the number of people who are being elected to this place. That could be for good or ill"

67. The **SDLP** did not provide a written submission, but its Party representative stated its position at the Committee's meeting of 24th April 2012 as follows:

'The best advice suggests that anything below 96 would make it very difficult for MLAs to continue to properly scrutinise the current architecture of government, which raises the question around the number of Departments. We have long argued that it should not be a numerical debate, but one around need.'

SDLP stated that should the PVSC Act 2011 become law, "it leaves the question of the size of the Assembly only partially in the hands of this Assembly because another part of the decision-making framework will remain (unless we take the decision to decouple), outside of our hands – something that we don't believe is necessarily in the best interest for this region". Also highlighted the point that it is understood that, during the time of the negotiations of the Good Friday Agreement, that the purpose of coterminosity at the time was to avoid the

inevitable delay of creating a boundaries commission in NI in order to establish a series of constituencies – a practical solution at the time.

Currently there is a “top down” approach to building constituencies i.e. looking at the size of Assembly, then number of MLAs needed for each constituency, then looking at electorate numbers in the constituencies. Elsewhere, there is the practice of determining firstly the appropriate electorate number per representative and then building the constituencies based on population numbers and need. There is perhaps a need for a debate around this approach.

68. **Sinn Féin’s** position in its written submission was as follows:

‘Reductions in representation could potentially marginalise smaller parties and independents.’

‘Sinn Féin want an inclusive Assembly as possible - We will consider all options that reflect the inclusiveness and equality envisaged by the GFA (Good Friday Agreement).’

69. The **UUP’s** position in its written submission was as follows:

‘The Ulster Unionist Party is mindful of the fact that under the Parliamentary Voting Systems and Constituencies Act 2011, Northern Ireland’s representation at Westminster is to be reduced from 18 to 16, and that each constituency should have an average number of electors of 76,641.’

‘This reduction in Westminster constituencies will result in a decrease of 12 MLA’s under the current legislation. It is also expected that there will be a considerable reduction in local councillors with the proposed new local government model. We view this review as another step on the journey, not the destination. The Belfast Agreement in 1998 was about inclusive government and the reduction by 12 MLA’s will make for more effective government. It is important to embed this change before taking the next step.’

During Committee deliberations the UUP’s position regarding utilising the new Local Government constituency boundaries as a basis for future Assembly constituency boundaries was as follows:

UUP questioned whether altering the number of MLAs per constituency would “smooth out” the representation levels to the extent that is believed by some and a regular boundary review would give fairer representation (e.g. Westminster Boundary Review).

Provided the example that if there were 100,000 in an area that had 5 MLAs, then that would provide 20,000 potential voters for each MLA. However, if the number of MLAs in that area was reduced to 4, then that would provide 25,000 potential voters for each MLA, a difference of 20% of the number of voters per MLA. Therefore, one could make the argument that in that scenario, the representation numbers per MLA would be hugely distorted.

70. The **Green Party (GPNI)** written submission stated:

‘...we believe the reduction to 96 members will not have an adverse impact on the operation of the Assembly.’

‘Reducing the Assembly below 96, under the current electoral system, severely limits the key representative function of MLAs and should not be countenanced whatever the minimal cost savings that might result. A reduction below this number, 6 per constituency, should only be undertaken in parallel with a decision on more representative electoral systems.’

71. The **Traditional Unionist Voice (TUV)** submission stated:

‘The correlation between reducing the number of MLAs and the number of departments is obvious. If the departments were reduced to 6, 72 MLAs would be more than adequate.’

72. **Mr David McNarry, MLA (Independent)** stated in his submission regarding Issue 2:

‘There are two problems which arise from a reduction in the total numbers of MLAs. One is the need to have sufficient MLAs to service the Assembly committees. With the reduction in the number of departments, this problem is eased. The other is the difficulty which arises when minority communities – unionists west of the Bann and nationalists east of the Bann – do not have any representation in the Assembly. These factors have to be balanced since minority representation is a key part of inclusiveness.’

‘I believe there would be considerable public opposition to retaining the existing 6 member constituencies. There is a perception that the province is over-governed and over-regulated.’

73. The **Conservative and Unionist Party NI** stated in its submission:

‘We favour moving toward a four-member per constituency model, which, if there were 16 parliamentary constituencies, would mean an assembly of 64 MLAs.’

‘Our suggestion is that the Assembly moves towards a 64 seat model over 3 elections, in order to enable MLAs to grow accustomed to the arrangement and to test the effects of a smaller number of representatives i.e. 2015 96 MLAs. 2019 80 MLAs. 2023 64 MLAs.’

74. **Procapitalism** in its submission stated:

‘The Assembly would be sufficiently representative and functional, with no more than 60 MLAs, thus 15 constituencies with 4 representatives.’

‘The implications would be that the Assembly would cost less and intellectual resources, so badly needed in the private sector, would not be misallocated to the Assembly.’

75. The **Clerk/Director General of the Northern Ireland Assembly** stated in his submission:

*‘In parliamentary terms the key implication of the Act and any further reduction in the number of MLAs will be a **reduction in the Member time available to undertake parliamentary functions.**’*

‘The Committee will therefore wish to consider the implications of the reduced number of MLAs in terms of the capacity of the Assembly and its members to deliver the full range of functions of the Assembly and whether in reducing the number of MLAs or the number of MLAs per constituency it will have implications for specific functions.’

Main/core functions of a legislature listed in full submission.

*‘If the number of MLAs reduce, in order to sustain effectiveness it will be necessary to **identify new approaches which maximise the contribution of Members to key parliamentary roles and enable Members’ time to be utilised to greatest effect.** This is likely to require significant reform to current arrangements and careful consideration by Members in relation to balancing their various roles and prioritising the work that they undertake.’*

76. **Dr Yvonne Galligan, Centre for Advancement of Women in Politics, QUB** stated in her submission:

‘Reducing the number of MLAs...raises quite a number of concerns from a gender equity perspective. There is the strong possibility of women’s representation being reduced with the reduction in MLA seats. Countering this potentially delegitimizing outcome as a result of seat-reduction is a matter for the political parties’

‘...in 2011, female representation in the Scottish Parliament was 35%, and in the Welsh Assembly stood at 41%. It is clear that these elected bodies are more reflective of the composition of the general population than is the NI Assembly, and one could argue, more legitimate in its decision-making as a result.’

'I would advocate the retention of 6 seat constituencies, or a variation between 5-7 seat constituencies, but not lower than 5-seat (because it seems women's chances of being elected are improved in larger-seat constituencies than in small-seat ones).'

77. **Professor Rick Wilford, QUB** in his submission stated:

'There are two inter-related issues here: the number of constituencies and the corresponding total number of MLAs.'

'Assuming that de-coupling does occur, the parties can plan on the basis of a settled number of 16 constituencies for the foreseeable future. The issue then is, how many MLAs per constituency. There is no "magic number."

'Any reduction in the total number of MLAs will....place increased strain on committee effectiveness (and efficiency), all other things being equal.'

'The precise number of statutory committees is contingent on the agreed number of devolved Departments: and any agreed reconfiguration of the Executive has to be mindful of the shallower pool of MLAs that would be available to discharge committee business.'

'In NI, reducing the norm (of number of committees) to nine (from 11) would allow the total number of MLAs to fall to 80 (five per constituency) provided there was a reduction in the number of Departments to eight, given that the 'usual suspects' would be precluded from committee membership. Inter alia, this would alleviate the significant problem of multiple committee memberships that currently obtains and which does hamper committee/member effectiveness.'

78. The **NI Local Government Association (NILGA)** stated in its submission:

'If the forthcoming reduction from 108 to 96, and the further reduction being considered were to take place, participation issues may arise if the current Department and Assembly Committee arrangement is to be maintained and some streamlining of processes may be required.'

'If confidence is to be maintained in the Assembly's scrutiny role, and in the participation of elected members on committees, thought should be given to a rationalisation of both the committee structures and departments, and therefore a significant reduction in their back office demands and functions.'

79. **Mr James Edgar** stated in his submission:

'The author welcomes proposed reduction of twelve members to the Assembly (from 108 to 96).'

'The author would support the use of the proposed sixteen Westminster constituency model as the basis for future elections to the Assembly.'

'The author recommends that with a sixteen Westminster constituency model the number of M.L.A.'s per constituency should decrease to 5. This would allow for the return of an 80 member Assembly, which the author recommends as the optimal level of elected representation for regional government in Northern Ireland. The author recommends a decrease of 1 M.L.A. per constituency to ensure an overall 80 member Assembly.'

'The author is of the view that 5 elected M.L.A.'s per constituency is sufficient to allow for effective representation on behalf of constituents. If 1 M.P. can represent the same constituency at Westminster, then 5 is more than sufficient for a regional Assembly.'

80. The **Independent Financial Review Panel (IFRP)** stated in its submission:

The IFRP recently published a report on Assembly Members' salaries, allowances, expenses and pensions. As part of this report, it carried out a series of exercises, including a public consultation. In relation to the number of MLAs: 'Although the number of responses to

the consultation process was limited, much of the criticism expressed was not related to the salaries of individual MLAs but rather the overall cost of the Assembly. A frequently expressed view was that there were too many Assembly members.'

81. **Women's Tec** stated in its submission:

'A reduction in the number of MLAs would be opposed...'

Full submission gives reasons why the organisation believes that the number of MLAs should not be reduced, as this would result in fewer opportunities for women to be elected, for women's issues to be heard, etc.

Issue 3. The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity

82. The Committee's questions on Issue 3 were as follows:

- What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?
- Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?
- What factors should the Committee take into account when deciding on the size of the Assembly?

83. The **Alliance Party's** position in its written submission was as follows:

'There is no evidence to suggest that 80 would be insufficient to ensure the effectiveness of the Assembly particularly if a streamlining of the Executive happened concurrently.'

'With a reduction in the number of MLA there should be no discernible drop in the level of governance. An example of this is Scotland, where the Parliament has similar powers to the NI Assembly and fewer MSPs per head of the population.'

'A streamlining of the Executive and the resulting reduction in Government Departments would lead to a reduction in the number of Statutory Committees within Stormont and therefore less MLA's would be needed to cover the number of Committee places available.'

During Committee deliberations the Alliance Party's position was:

In relation to whether there should be a reduced number of MLAs, Alliance answered, "yes," and the specific number for the appropriate number of MLAs is "around 80, but that it is based on the number of constituencies...".

84. The **DUP's** position in its written submission was as follows:

'We propose that the number of MLAs should be reduced to 4 or 5 per constituency and a maximum of 80 from the 2015 Assembly election.'

'However, pending changes to the present configuration, the Departmental Committees have an important role to play in holding Ministers and Departments to account.'

During Committee deliberations the DUP representatives stated:

"Proposals to mitigate [reducing Assembly effectiveness], lowering the number of Departments in itself mitigates it, if you want to keep one statutory committee for each department," and, "there is a relationship between.....[what] we were discussing in the first paper [Assembly Research paper, 'Further information on plenary and committee business in the Northern Ireland Assembly and other legislatures'] in terms of the number of sitting days you have and the number of Committee days...."

In relation to whether there should be a reduced number of MLAs, DUP answered, "yes," and the range for the reduced number is "72-80," and the specific number for the appropriate number of MLAs is "72 or 80".

85. The **SDLP's** position as stated at the Committee meeting of 24th April 2012 was as follows:

"The question of the size of the Assembly and its ability to scrutinise the work of the Executive is very important. The best advice suggests that anything below 96 would make it very difficult for MLAs to continue to properly scrutinise the current architecture of government, which raises the question around the number of Departments. We have long argued that it should not be a numerical debate, but one around need."

During Committee deliberations the SDLP raised the possibility of thematic committees that could cover two departments rather than the current system of statutory committees for each department, and a separate Budget Committee to scrutinise the budgets of all departments.

86. **Sinn Féin's** position in its written submission was as follows:

'Sinn Féin is committed to adequate representation for all groups and communities within our society. The current political institutions and arrangements, as established under the GFA are unique to our society which is in a post-conflict stage.'

'There is no evidence that a reduction in MLAs would impact on the effectiveness of the Assembly however it would likely have an impact on smaller parties and marginalised groups within our society.'

During Committee deliberations the Sinn Féin representatives stated:

"Our overriding concern or issue about this in relation to this would be the spread and level of representation. That is how we will be guided on the numbers [of MLAs]."

"If you start reducing the number [of MLAs], you can see where some constituencies will not be represented in an inclusive way. That is where we have a concern. We would have to see how the numbers would shake down, and then move on that."

In relation to whether there should be a reduced number of MLAs, Sinn Féin answered that "... at the moment, we are not prepared to agree in principle that there should be a reduction."

87. The **UUP's** position in its written submission was as follows:

'The effective scrutiny of Ministers and their Departments needs sufficient members for the corresponding Statutory Committees. In addition, an adequate number of members need to be available for Standing Committees.'

'The actual number of members required to operate the Committees will be dependent on the number of Departments and numbers on Committees.'

'The Belfast Agreement in 1998 was about inclusive government and the reduction by 12 MLAs will make for more effective government. It is important to embed this change before taking the next step.'

During Committee deliberations the UUP's position was that:

In relation to whether there should be a reduced number of MLAs, UUP answered, "we are agreed that there should be a reduction, but everything is in the mix, and do not want to be specific [on the number of MLAs]".

88. The **Green Party's (GPNI)** submission regarding Issue 3 stated:

'The representative function of the Assembly is critically linked to the method of election of its Members'.

*'We believe a **representative** Assembly of 80 members, elected under a new electoral system, would be adequate to perform the legislative and scrutiny functions required of it.'*

'Considering the numbers of MLAs who are also elected councillors, and indeed MPs, it could be argued that that the Assembly is already operating at below 108 member effective capacity.'

'The (AERC) Committee should consider adopting a position of strict opposition to multiple electoral mandates being held by Assembly members.'

89. The **Traditional Unionist Voice** submission stated:

'The correlation between reducing the number of MLAs and the number of departments is obvious. If the departments were reduced to 6, 72 MLAs would be more than adequate.'

90. **Mr David McNarry, MLA (Independent)** in his submission stated:

'The effectiveness of the Assembly is more related to the work that it does than to the number of committees, though this latter is important. There needs to be an optimum number decided on for the committees which reflects the workload and the need to maintain political balance.'

'Committees should, in my view, be engaged on a major programme of legislative revision'

'I believe this would have the effect of making the Assembly more of a working body and less of a debating chamber. I believe the public would approve of this and it would increase respect for the Assembly.'

91. The **Conservative and Unionist Party (NI)** in its submission stated:

'From all of the above relevant analogues, it appears that the minimum efficient Assembly size is in the region of 55-60 members, with an absolute range of 57-80 members.'

92. **Dr Yvonne Galligan, Centre for Advancement of Women in Politics, QUB** in her submission stated:

'There is a need to balance a numerical reduction with more efficient use of legislative time and process. In addition, the inclusivity requirement is also a gender-related one, especially in terms of the nature of the issues on the Assembly's agenda and the range of perspectives brought to bear on any one issue.'

93. **Professor Rick Wilford, QUB**, in his submission stated:

'The issues here follow closely on those in the preceding section. As noted, an Assembly of 80 MLAs, given a reduction in the number of Departments to eight and of statutory committee size to nine, would enable all MLAs (excepting the Speaker etc) to be offered a committee place.'

'An 80-member Assembly is perfectly capable of discharging both plenary and committee business provided the business timetable is crafted so that plenary sessions do not impact on committee sessions.'

'Perhaps the most obvious direct comparator legislature is the Scottish Parliament. In Scotland, smaller committees (average size is eight MSPs) discharge their roles without hampering the conduct of parliamentary business. However, there is no stipulation that all MSPs be offered a committee place so that there is more capacity available to deal with other matters while some MSPs are engaged in committee work.'

'There is no evidence to suggest that those MSPs who are not involved in committees consider themselves to be lesser parliamentarians as a result. That potential issue is, though, averted with an 80 member Assembly, an Executive comprising eight Depts (with a total of nine Ministers and two junior Ministers) and a maximum of nine members per statutory committee.'

94. The **Clerk/ Director General of the Northern Ireland Assembly** in his submission regarding Issue 3 stated:

'The size of the Assembly is only one, though an important one, of many institutional factors in determining whether the roles and functions of the Assembly as described in section 2 can be delivered effectively. Other such factors include the powers of the Assembly and its committees, representativeness of the committee system, parliamentary

procedures, the resources available to the legislature, relationship between the parliament and the Executive, etc.'

'A particular issue for consideration, which the Committee has rightly identified is the importance of an effective committee system in unicameral parliamentary systems.

This is dealt with in more detail under Section 4, but maximising the contribution made by Members to scrutiny, policy and legislative development through the committee system is likely to be of the utmost importance in sustaining Assembly performance.'

The submission also details 'Reform elsewhere' in terms of the House of Commons Reform Committee Report of 2009.

95. The **Chief Executive/Clerk to the Welsh Assembly** in his submission provided a factual account of the number of Members in Wales as follows:

'The National Assembly for Wales is made up of 60 elected Assembly Members. 40 are chosen to represent individual constituencies, and 20 are chosen to represent the five regions of Wales.'

'Assembly Members represent their area as a member of a political party or as an independent.'

'Effective scrutiny of a government's work is at the heart of any democratic process, and this work is undertaken by the National Assembly for Wales through a number of Committees made up of Assembly Members from all political parties.'

96. The **Secretary General and Clerk of the Dáil** in his submission regarding Issue 3 provided a factual account of the changes to the Houses of the Oireachtas as follows:

'A Constituency Commission will now recommend Dáil constituencies based on a reduced number of TDs between a minimum of 153 and a maximum of 160. Previously, the range was 164 to 169.'

'The programme for Government contains a proposal that a Referendum be held to abolish the second House of the Oireachtas (Seanad Éireann) and the referendum is likely to be held next year.'

97. The **Clerk of the States of Jersey** gave a summary of the changes to the States' government system with the establishment of Ministers and Assistant Ministers and parallel parliamentary scrutiny committees. The parliamentary scrutiny committees and a PAC are always required to have a larger number of non-executive members which have the task of holding Ministers and Assistant Ministers to account. Jersey has no tradition of political parties and all members serve as independents.

98. The **Northern Ireland Local Government Association (NILGA)** in its submission stated:

'The final numerical assessment must permit effective operation of the Assembly as a legislative and scrutiny body, and ensure that inclusivity is safeguarded.'

99. **Mr James Edgar** in his submission stated:

'An 80 member Assembly is the minimum level required to ensure effective regional government for a population of 1.7 million citizens.'

100. The **Independent Financial Review Panel (IFRP)** submission stated:

'In the benchmarking exercises which the Panel carried out, the main factor that became evident was the relatively low span of MLAs' responsibilities due primarily to the number of MLAs per constituency. MLAs represent on average considerably fewer voters than their counterparts in other devolved legislatures and the House of Commons and therefore cost proportionately more.'

‘The nature of the political arrangements in the Assembly is such that there is a substantial amount of duplication in the responsibilities of MLAs within constituencies.’

101. The **Institute of Directors (IoD) and Northern Ireland Independent Traders Association (NIIRTA)** in their submission stated:

‘While the focus of this response is the number of NI Departments, the IoD suggests that, with the proposals to realign Westminster constituencies and reduce the number to 16, each Westminster constituency should return just 4 Members of the Northern Ireland Assembly thus creating an Assembly of 64 rather than the current 108.’

102. **Women’s Tec** in its submission stated that the number of MLAs should not be reduced.

Issue 4. Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

103. The Committee's specific request and questions to stakeholders regarding Issue 4 were:

- Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.
- In particular, what changes would you propose to ensure a robust and effective committee system?

104. The **Alliance Party's** position in its written submission was as follows:

'In order to ensure a reduction in MLAs does not adversely impact on the ability of Committees to carry out a robust scrutiny role a rationalisation of the number of Government Departments from twelve to eight should be undertaken, this will decrease the number of Committees, as per our previous answer.'

'The Alliance Party would restructure Committees in line with a rationalisation of the number of Departments, our suggestions for reducing the number of Departments are outlined in the answer to Question 5.'

105. The **DUP's** position in its written submission was as follows:

'One of the flaws of the present system of government is the lack of a formal Opposition. This is primarily because any Party with over 10 MLAs is likely to be entitled automatically to a seat in the Executive. There is however no obligation on a Party to take up its place in the Executive – any party is entitled to forgo this and form an Opposition.'

'However, pending changes to the present configuration, the Departmental Committees have an important role to play in holding Ministers and Departments to account.'

During Committee deliberations the DUP position was that:

"...it [mitigating the impact of reducing the number of MLAs] is inextricably bound up with the issue of the number of departments."

106. **SDLP's** position as stated at the 24th April 2012 Committee meeting was as follows:

SDLP raised the possibility of thematic committees that could cover two departments rather than the current system of statutory committees for each department, and a separate Budget Committee to scrutinise the budgets of all departments.

107. **Sinn Féin's** position in its written submission was as follows:

'There is no evidence that a reduction in MLAs would impact on the effectiveness of the Assembly however it would likely have an impact on smaller parties and marginalised groups within our society.'

108. The **UUP's** position in its written submission was as follows:

'The Ulster Unionist Party supports the reduction to 96 MLAs. With a reduction in Departments, as contained within the Programme for Government, there will also be a need for fewer statutory Committees. We believe this could be achieved with minimal disruption to the current Committee structure.'

'In order to ensure that Committees remain effective with fewer MLAs we believe it is important to maintain a sufficient level of research and support services.'

'The Ulster Unionist Party are content with the current membership number of 11 within each committee, however, we recognise that this would be likely to alter given the reduction of MLAs and if there are further reductions in the number of departments.'

'We would argue that more accountable government should be created which, whilst continuing to require cross community support, could allow the electorate to determine those who would be in government and those who would not. We believe that evolution to more normal democratic structures and accountability should also be considered by the AERC Committee under the current review.'

The UUP also stated during the Committee's deliberations:

"We do not think that there should be any particular difficulties with the Assembly remaining effective with a reduced number of MLAs. As well as a reduction in the number of MLAs, we expect there to be a reduction in the number of Departments. A degree of flexibility could be created by adjusting the number of MLAs on Committees. It does not necessarily have to be 11; it could come down. Provided that all Members were committed to single representation and ending dual membership and, therefore, removing conflicts in Members' time due to council membership and Westminster membership, there should be no difficulty in maintaining quorums."

"As regards to moving forward in the Assembly, we feel that it is important that sufficient assistance and expertise is available to Committees to hold Departments to account. That means access to efficient research facilities and support in the Assembly."

109. The **Green Party's (GPNI)** written submission regarding Issue 4 stated:

'GPNI believes that there should be a fundamental review of the Assembly committee system in the context of a reduced number of Government departments.'

'With regard to the effective running of committees, specific proposals that we support include: (1) A reduction in the number of members per statutory committee to 9; (2) A prohibition on committee Chairs from holding any other committee position (as well, of course, as seats on local councils or at Westminster); (3) Strong consideration to be given to a standing order provision that a committee vacancy must be allocated to an MLA without any committee responsibility in preference to an MLA with an existing committee responsibility; (4) Scheduling of both standing and statutory committee business so that it does not clash with Assembly plenary business and; (5) The merging of the Audit and Public Accounts standing committees.'

*'In the scenario of a **96 member Assembly with 10 statutory committees**; we expect there will be absolutely no impact on the effectiveness of Assembly committee operation.'*

'Focus on an overarching planned legislative programme...'

110. The **Traditional Unionist Voice (TUV)** written submission stated:

'The key mitigating factor in regard to reducing the number of MLAs is a corresponding reduction in the number of departments. With 6 departments scrutiny committees of 10/11 members each is possible.'

'The statutory basis of the scrutiny committees needs to be changed from their functions being to "advise and assist" ministers and departments to "scrutinise and hold to account" ministers and departments.'

111. **Mr David McNarry, MLA (Independent)** in his written submission stated:

'Committees should, in my view, be engaged on a major programme of legislative revision. I believe this would have the effect of making the Assembly more of a working body and less of a debating chamber.'

'I believe the public would approve of this and it would increase respect for the Assembly.'

112. The **Conservative and Unionist Party NI** in its submission stated:

‘...a 64-member Northern Ireland Assembly should be able to accommodate 16 committees. When our recommendations on the number of departments are incorporated here, two committees will cease to exist by default. In addition, there are opportunities for committee rationalisation. For example, a separate committee is not necessarily needed for each minister or government department – there is an ‘Education and Culture Committee’ in the Scottish Parliament. Consequently, we see no major difficulties in adapting the committee system to the smaller assembly.’

113. The **Clerk/Director General of the NI Assembly** in his submission stated:

‘a reduction in the numbers of Members should result in a detailed review of the Committee system.’ The full submission lists key issues to consider in relation to Committee effectiveness.’

‘I would strongly encourage an early start being made on a review of the committee system’

*‘If statutory committees are covering a wider range of functions, perhaps with less Members, **it may be necessary to consider new innovations within the committee system to enable the public to put the issues of importance to them on the Assembly’s agenda.***

*‘If a review of the committee system is to be undertaken, it may also be timely for the Assembly to consider **whether it would wish to enable committees of the Assembly, in line with other devolved legislatures, to have the power to make amendments directly during a committee stage.***

114. The **Chief Executive/Clerk to the Welsh Assembly** in his submission provided a factual account of Wales’ committee system as follows:

‘In 2011, the Assembly 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. In June 2011, the National Assembly for Wales established five (subject) committees to carry out these functions (listed in full submission)...’

‘Five additional committees have been established to undertake other functions specified in Standing Orders: (again, listed in full submission). A further committee, the Business Committee is responsible for the organisation of Assembly.’

‘The five subject-based committees have been established with sufficiently large memberships (10) 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 allows policy and legislative work to take place simultaneously.’

115. The **Secretary General and Clerk of the Dáil** in his submission provided a factual account of changes to the Oireachtas as follows:

‘In the 30th Dáil there were 23 Committees.’ This was reduced to 14 Committees in the 31st Dáil.

‘To achieve this reduction the functions of Committees were merged. Six of the seven sectoral Committees are covering the work of more than one Department. Three of these Committees are shadowing the work of three Departments and three are shadowing the work of two Departments respectively.’

‘The Committee covering three Departments have 27 Members each, whereas the sectoral Committee covering one Department has 15 Members.’

‘Some of the consequences of the new structure for Committees are as follows: Greater number of meetings; longer meetings; low participation rates; uneven focus of the work; administration issues.’

Full submission states there are weaknesses in the new structure for Committees.

'It is proposed to restructure a number of the larger Committees. The proposal is to increase the number of sectoral Committees from 7 to 9. With one exception it is proposed that each Committee will track no more than 2 Departments and that membership of a Committee will be restricted to a maximum of 21 Members.'

Full submission includes an appendix with tables regarding Committee configurations, Committee meetings, salaries, costs etc.

116. The **Clerk of the States of Jersey** in his submission stated:

'Take care to ensure that there are sufficient members available to serve on committees so that the committee system remains robust and effective.'

117. **Professor Rick Wilford, QUB** in his submission stated:

'A more carefully planned and timed legislative programme would enable Committees to undertake a greater volume of draft legislative scrutiny.'

'With potentially fewer committees, the case for a more routinized use of sub-committees is enhanced as is the use of the rapporteur device, e.g. for scoping planned inquiries.'

'Avoid, if at all possible, turnover in the membership of statutory committees so that they build a stable core of experience, knowledge and expertise over a mandate.'

'Normally, Statutory Committee chairs should not be nominated to serve as members of other Statutory Committees.'

'Place the (Chairpersons) Liaison Group on a statutory footing – the model of the Scottish Convenors Group (or the HoC Liaison Committee) serves as an example.'

'Shorter, focused inquiries carry the potential to exert a more immediate impact. 'There may be a case for merging some (standing committees), e.g. Audit & PAC. There may also be a case for subsuming any prospective future A&ERC-like brief into the work of the Procedures Committee, which perhaps could also undertake the work of the Standards & Privileges Committee.'

'...set aside committee days for Plenary sessions?'

118. **Mr James Edgar**, in his submission stated:

'The author is of the view that any review of membership of the Northern Ireland Assembly must be considered with a review of the number of Government Departments.'

'The author would recommend that the Assembly should review the basis of its Committee system for the next Assembly. There are two Committee models that may be considered:

The first model would be a continuation of the existing system of Statutory Committees linked to the number of Government Departments.'

'The second model would be the use of a "thematic/subject" Committee system.'

'The author would recommend that for Statutory Committees membership should be a maximum of nine M.L.A.'s, with a quorum of four required to formally convene. Standing Orders of the Assembly should be amended accordingly.'

119. The **Independent Financial Review Panel (IFRP)** in its submission stated:

'The current political structures mean that duplication and competition are unavoidable'

'The Panel believes that having too many representatives in one small political space has a negative effect on both of the factors.' (That is effectiveness and cost of local politics)

Conclusions

120. **It is clear that, although the Committee considered the five Key Issues as set out in the Stakeholder ‘Call for Evidence’ Paper separately, Members consider that the Issues are very much interlinked and that a holistic approach to reaching a view on the size of the Assembly in terms of the number of MLAs should be taken.** This was supported by the evidence that was received and considered by the Committee. With this approach in mind, the Issues that naturally emerged as fundamental to this first part of the Committee’s Review – the size of the Assembly – were Issues 1, 2 and 3, which are:
- Issue 1:** Whether the statutory link between Westminster and NI constituencies should be removed and the implications of removing or retaining this link;
- Issue 2:** The implications on the forthcoming reduction in the number of MLAs via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs;
- Issue 3:** The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.
121. It was these fundamental Issues to which the Committee focused its considerations and deliberations. The Committee had a view that following clarification of a way forward on these three Issues, Issue 5 (the number of NI Government Departments) and to an extent Issue 4 (proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly) would be easier to consider.
122. The reality for Northern Ireland is that the Parliamentary Voting System and Constituencies Act 2011 (PVSC Act 2011) will affect the number of Westminster constituencies in Northern Ireland in time for the next NI Assembly election (2015). The current number of Westminster constituencies in Northern Ireland (18) will be reduced to 16. As the number of MLAs is directly linked to the number of Westminster constituencies (per Section 33 of the Northern Ireland Act 1998), the total number of MLAs elected in 2015 would automatically be 96 – compared to the current 108. For the purposes of Committee deliberations, this is known as the default position.
123. It was from this default position that several possible options were considered in terms of future Northern Ireland constituency numbers and the number of MLAs per constituency for the next Assembly election. Taking into consideration the Committee discussions and deliberations on Issues 1 to 3, particularly Issue 1 on whether the statutory link between Westminster and NI constituencies should be removed, the Committee considered options for: retaining/removing the statutory link between Westminster and NI constituencies; the number of NI constituencies; the number of MLAs elected per constituency; potential practicalities for implementation of the options; and envisaged timing implications of each option. This range of options arose from the Committee’s deliberations on the written and oral evidence that was received and considered by the Committee during the course of the Review.
124. **The options considered by the Committee (as set out in Table 1 below) were seen as very useful in that they provide apparent implications for several scenarios that take into account the possible number of Assembly constituencies and possible ‘multipliers’ per constituency in terms of the number of MLAs, under both coupled and decoupled models. It may indeed prove to be a useful tool to aid the establishment of the final position for the size of the NI Assembly.**

Table 1

Coupled Options				
Option	Sub-option (multiplier)	Implications	Practicalities for implementation	Timing implications
1. 16 Assembly constituencies – using the new Westminster constituency boundaries as the Assembly boundaries (arising from changes via PVSC Act 2011) (default)	1a. 16x6=96	<ul style="list-style-type: none"> Future number of boundaries is subject to changes via Westminster – i.e. the number of boundaries (16) and the new boundaries will be fixed for a period of time, but may change after the 2015 elections due to changes throughout the UK. Members elected per constituency (the multiplier) remains the same as current multiplier. 	<ul style="list-style-type: none"> The PVSC Act 2011 changes will be implemented at Westminster and will apply to NI. There is no new legislation (at any level) that will have to be introduced in order for the changes to be implemented. The Boundary Commission is scheduled to report on the new Westminster boundaries by October 2013 – these will be the new boundaries for the Assembly as well. 	<ul style="list-style-type: none"> It is envisaged that all required changes will be implemented in time for the next Assembly election (2015) and that political parties will know exact boundaries 1-2 years before election.
	1b. 16x5=80	<ul style="list-style-type: none"> Future number of boundaries is subject to changes via Westminster – i.e. the number of boundaries (16) and the new boundaries will be fixed for a period of time, but may change after the 2015 elections due to changes throughout the UK. Will be a reduction of Members elected per constituency (the multiplier). 	<ul style="list-style-type: none"> The Secretary of State needs to accept recommendations, include the changes (which would change the NI Act 1998) in his Bill in the Third Session of Parliament and then the necessary steps will need to be taken as per all Westminster Bills. The Boundary Commission is scheduled to report on the new Westminster boundaries by October 2013 – these will be the new boundaries for the Assembly as well. 	<ul style="list-style-type: none"> It is envisaged that all required changes will be implemented in time for the next Assembly election (2015) and that political parties will know exact boundaries 1-2 years before election.

Decoupled Options				
Option	Sub-option (multiplier)	Implications	Practicalities for implementation	Timing implications
2. 16 Assembly constituencies – using the new Westminster constituency boundaries as the Assembly constituency boundaries and fix the number of constituencies	2a. 16x6=96	<ul style="list-style-type: none"> Although decoupled from Westminster boundaries, the Assembly boundaries will remain the same as the Westminster boundaries (however, post 2015 elections, boundaries may depart from Westminster boundaries). Members elected per constituency (the multiplier) remains the same as current multiplier. Although the number of constituencies will be “fixed”, the boundaries themselves could be subject to review post-2015. The Boundary Commission, if it were to carry out such reviews, would need to be given the power to do so through Westminster legislation. The frequency of reviews, the rules to be employed during reviews and other such matters could also be set out in Westminster legislation. 	<ul style="list-style-type: none"> The Secretary of State needs to accept recommendations, include the changes (which would change the NI Act 1998) in his Bill in the Third Session of Parliament and then the necessary steps will need to be taken as per all Westminster Bills. The Boundary Commission is scheduled to report on the new Westminster boundaries by October 2013 – these will be the new boundaries for the Assembly as well. 	<ul style="list-style-type: none"> It is envisaged that all required changes will be implemented in time for the next Assembly election (2015) and that political parties will know exact boundaries 1-2 years before election.

Decoupled Options (continued)				
Option	Sub-option (multiplier)	Implications	Practicalities for implementation	Timing implications
2. 16 Assembly constituencies – using the new Westminster constituency boundaries as the Assembly constituency boundaries and fix the number of constituencies	2b. 16x5=80	<ul style="list-style-type: none"> Although decoupled from Westminster boundaries, the Assembly boundaries will remain the same as the Westminster boundaries (however, post-2015 elections, boundaries may depart from Westminster boundaries). Will be a reduction of Members elected per constituency (the multiplier). Although the number of constituencies will be “fixed”, the boundaries themselves could be subject to review post-2015. The Boundary Commission, if it were to carry out such reviews, would need to be given the power to do so through Westminster legislation. The frequency of reviews, the rules to be employed during reviews and other such matters could also be set out in Westminster legislation. 	<ul style="list-style-type: none"> The Secretary of State needs to accept recommendations, include the changes (which would change the NI Act 1998) in his Bill in the Third Session of Parliament and then the necessary steps will need to be taken as per all Westminster Bills. The Boundary Commission is scheduled to report on the new Westminster boundaries by October 2013 – these will be the new boundaries for the Assembly as well. 	<ul style="list-style-type: none"> It is envisaged that all required changes will be implemented in time for the next Assembly election (2015) and that political parties will know exact boundaries 1-2 years before election.

Decoupled Options (continued)				
Option	Sub-option (multiplier)	Implications	Practicalities for implementation	Timing implications
3. 18 Assembly constituencies – using the existing Westminster constituency boundaries as the Assembly constituency boundaries and fix the number of constituencies	3a. 18x6=108	<ul style="list-style-type: none"> Current Assembly constituency boundaries and number of Members elected per constituency remains the same. Essentially is the current model for the Assembly, but is decoupled from future changes to Westminster constituencies. Although the number of constituencies will be “fixed”, the boundaries themselves could be subject to review post-2015. The Boundary Commission, if it were to carry out such reviews, would need to be given the power to do so through Westminster legislation. The frequency of reviews, the rules to be employed during reviews and other such matters could also be set out in Westminster legislation. Will not take into account the October 2013 Report from the Boundary Commission. 	<ul style="list-style-type: none"> The Secretary of State needs to accept recommendations, include the changes (which would change the NI Act 1998) in his Bill in the Third Session of Parliament and then the necessary steps will need to be taken as per all Westminster Bills. 	<ul style="list-style-type: none"> It is envisaged that all required changes will be implemented in time for the next Assembly election (2015) and that political parties will know exact boundaries 1-2 years before election. It is envisaged that any changes to the existing 18 boundaries could not be implemented in time for the next Assembly elections.

Decoupled Options (continued)				
Option	Sub-option (multiplier)	Implications	Practicalities for implementation	Timing implications
3. 18 Assembly constituencies – using the existing Westminster constituency boundaries as the Assembly constituency boundaries and fix the number of constituencies	3b. 18x5=90	<ul style="list-style-type: none"> Use current Assembly constituency boundaries, with a reduction in the number of Members elected per constituency. Although the number of constituencies will be “fixed”, the boundaries themselves could be subject to review post-2015. The Boundary Commission, if it were to carry out such reviews, would need to be given the power to do so through Westminster legislation. The frequency of reviews, the rules to be employed during reviews and other such matters could also be set out in Westminster legislation. Will not take into account the October 2013 Report from the Boundary Commission. 	<ul style="list-style-type: none"> The Secretary of State needs to accept recommendations, include the changes (which would change the NI Act 1998) in his Bill in the Third Session of Parliament and then the necessary steps will need to be taken as per all Westminster Bills. 	<ul style="list-style-type: none"> It is envisaged that all required changes will be implemented in time for the next Assembly election (2015) and that political parties will know exact boundaries 1-2 years before election. It is envisaged that any changes to the existing 18 boundaries could not be implemented in time for the next Assembly elections.

Decoupled Options (continued)				
Option	Sub-option (multiplier)	Implications	Practicalities for implementation	Timing implications
4. Determine a new set of Assembly boundaries	Dependent on number of constituencies	<ul style="list-style-type: none"> • Create wholly new Assembly constituencies. • The possibility of using or tying-in with new local constituency (RPA) boundaries may be explored. 	<ul style="list-style-type: none"> • Will require primary legislation. • The Secretary of State needs to accept recommendations, and determine the best way forward to implement changes. • Need to determine powers for Boundary Commission to consider boundaries and constituencies. • Will need to determine the number of MLAs elected per constituency, the number of boundaries, and actual geographical boundaries for the constituencies. 	<ul style="list-style-type: none"> • It is envisaged that all required changes will not be implemented in time for the next Assembly elections (2015). • Envisaged as a long term option – post-2015 Assembly elections.

125. The Committee considered and discussed the options set out in Table 1 at its meeting of 29th May 2012. Alongside this, the Committee considered Members' responses on behalf of their respective Parties to a letter which the Committee Chairperson issued to Members on 17th May 2012 (see Appendix 5) in order to determine:
- a) Whether your Party agrees in principle that a reduced number of MLAs is required;
 - b) Whether your Party is more comfortable to provide a range for the appropriate reduced number of MLAs (e.g. 72-96 MLAs); if so, what is the range; and
 - c) Whether your Party is more comfortable to provide a specific number for the appropriate reduced number of MLAs; if so, what is the number.
126. The letter was issued on the premise that it may be useful to address firstly the fundamental issue of what was the appropriate number of MLAs in order to maintain an effective NI Assembly, and then the controversial issue of decoupling (from Westminster constituency boundaries) could be effectively addressed.
127. Four Parties who were present at the meeting of 29th May 2012 provided a response to these requests – that was, the Alliance Party responded to request c) with '80 MLAs'. The DUP answered 'yes' to a), '72-80 MLAs' to b), and '72 or 80 MLAs' to c). Sinn Féin said, '*... at the moment, we are not prepared to agree in principle that there should be a reduction.*' The UUP answered 'yes' to a).
128. On the basis of these responses and that Members choose not to re-open discussions on their respective Parties' particular views on the specific options set out in the Options Table 1, **the Committee concluded that it could not reach consensus on the size of the Assembly. This Report therefore sets out in some detail (in the 'Committee Consideration' section paragraphs 41-119) the particular position of the Political Parties represented on the Committee on the four Key Issues under the first part of this Review. This section also includes the views of other key stakeholders who responded to these Issues – including the other Political Parties of the Assembly and one Independent Member. The Report then sets out in summary a set of possible options (Table 1), which may prove to be a useful tool to aid the establishment of the final position for the size of the Northern Ireland Assembly.**
129. The Committee considers that when the final position on the size of the NI Assembly is determined and accepted, a view on Issue 4 can be more confidently determined. The fourth issue is namely:
- Issue 4:** Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system.
130. Nevertheless, without knowing an exact number or range for the size of the Assembly, the Committee explored and considered some evidence and issues in relation to ensuring the effectiveness of the Assembly.
131. From the evidence received and from Committee deliberations, there appears to be a degree of variance in the view that a reduction in the size of the Assembly will directly reduce the effectiveness of the Assembly. Some stakeholders maintained that a reduction in the number of MLAs to 96, would not reduce the effectiveness of the Assembly. Others, notably the Clerk to the NI Assembly, highlighted that:
- 'The size of the Assembly is only one, though an important one, of many institutional factors in determining whether the roles and functions of the Assembly as described in section 2 [of the Clerk's submission] can be delivered effectively. Other such factors include the powers of the Assembly and its committees, representativeness of the committee system, parliamentary procedures, the resources available to the legislature, relationship between the parliament and the Executive, etc.'*

The Clerk of the NI Assembly also highlighted that any reduction in the number of MLAs *'will be a reduction in the Members' time available to undertake parliamentary functions'*. The Committee considered and discussed a wide range of factors that determine Assembly effectiveness – but concentrated on two areas, Plenary business and the Committee System.

132. The Committee considered evidence and several Assembly Research papers relating to **Plenary business** in the NI Assembly compared to other legislatures in the UK and Republic of Ireland. Following consideration, it appeared that (in relation to debates and motions in the NI Assembly) the types and number of debates and motions compared to other legislatures were broadly similar.
133. **In relation to Plenary business, it was apparent from the evidence considered (when comparing the NI Assembly to other legislatures in the UK and Republic of Ireland) that there is some variety of practice in the scheduling of parliamentarians' business. The Committee therefore concluded that there may be opportunities to enhance Assembly effectiveness in this regard.**
134. In relation to the Assembly Committee System, the Committee again considered specific stakeholders evidence and several Assembly Research papers relating to the Committee System in the NI Assembly compared to other legislatures in the UK and Republic of Ireland. In particular, the Committee would highlight the written and oral evidence provided by Professor Rick Wilford (Queen's University Belfast) and the Clerk to the NI Assembly, as being particularly useful in considering improvements to the effectiveness of the Assembly's Committee System.
135. For example, Professor Wilford stated, *'A more carefully planned and timed legislative programme would enable Committees to undertake a greater volume of draft legislative scrutiny'*. Following its consideration on this area, the Committee agreed that it would be useful to share the various views with the Chairpersons' Liaison Group (CLG) of all Assembly Committee Chairpersons. Therefore, the Chairperson wrote to CLG on 15th May 2012 (see Appendix 5). The letter highlighted the Committee's discussion on some issues regarding the Committee System and the various opinions and views expressed by stakeholders, including the need for a fundamental review of the Committee System if there is to be a change in the size of the Assembly, as follows:

'A review of the Committee system may be beneficial if there are any changes to the size of the Assembly. If such a review is undertaken, some of the factors that it should take into account are:

 - *That, with a reduction in the number of MLAs and possibly alongside this, a reduction in the number of Government departments, a fundamental review of the current committee system must be undertaken;*
 - *There are linkages between the number of committees, the overall effectiveness of the committee system, the number of MLAs and the number of Government departments. Therefore, it may be prudent to consider these issues when undertaking such a review;*
 - *The possibility of establishing a committee system that includes thematic committees (rather than the current statutory committee system that aligns with NI departments), including a central budget committee, may warrant consideration;*
 - *The practice of scheduling plenary business alongside committee business (meetings) may merit review – possibly gaining effectiveness by scheduling of plenary and committee work;*
 - *The merits of formalising CLG through statute and/or through Standing Orders; and*
 - *The potential to increase the effectiveness of legislative scrutiny in the Assembly by allowing Statutory Committees to make amendments to a Bill.'*
136. CLG responded (see Appendix 5) stating that it recognised the importance of the issues the Committee listed relating to the Committee System and their potential significance, particularly in light of any changes to the size of the Assembly. CLG concluded that a

fundamental review of the Committee System should be undertaken and CLG would wish to be involved in any such review.

137. **On the basis of the Chairpersons' Liaison Group (CLG) response and the issues identified by the Committee reflected above, the Committee concluded that it would be prudent for the Assembly to make an early start to a review of the Assembly Committee System and that the CLG should have an important role in this review.**



Northern Ireland
Assembly

Appendix 1

Minutes of Proceedings Relating to the Report

Appendix 1 – Minutes of Proceedings (Extracts)

27th September 2011

11th October 2011

25th October 2011

8th November 2011

15th November 2011

22nd November 2011

17th January 2012

31st January 2012

7th February 2012

14th February 2012

28th February 2012

13th March 2012

20th March 2012

17th April 2012

24th April 2012

8th May 2012

15th May 2012

29th May 2012

12th June 2012

Tuesday 27 September 2011, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray MLA (Chairperson)
Mr Pat Sheehan MLA (Deputy Chairperson)
Mr Roy Beggs MLA
Mr Stewart Dickson MLA
Mr Pat Doherty MP MLA
Mr Paul Givan MLA
Mr Simon Hamilton MLA
Mr Raymond McCartney MLA
Mr Conall McDevitt MLA
Mrs Sandra Overend MLA

Apologies: Mr Gregory Campbell MLA

In Attendance: Mr Paul Gill (Clerk)
Mrs Ashleigh Mitford (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

3.02 p.m. The meeting opened in public session.

4. Forward Work Programme

The Committee noted correspondence from the Speaker in relation a Bill that the Secretary of State hopes to introduce in the Third Session of Parliament.

The Clerk briefed the Committee on issues relating to the draft Bill.

The Committee noted correspondence from the DUP in relation to its Forward Work Programme.

Agreed: The Committee agreed a response to the Speaker.

Agreed: The Committee agreed to write to the Secretary of State in order to clarify a number of issues in relation to the proposed bill.

3.14 p.m. The Chairperson adjourned the meeting.

Mr Stephen Moutray

Chairperson, Assembly and Executive Review Committee

[EXTRACT]

Tuesday 11 October 2011, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Pat Doherty
Mr Paul Givan
Mr Simon Hamilton
Mr Raymond McCartney
Mrs Sandra Overend

Apologies: none

In Attendance: Mr John Simmons (Assembly Clerk)
Mrs Ashleigh Mitford (Assistant Assembly Clerk)
Ms Hilary Bogle (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)
Mr Tim Moore (Senior Researcher)
Mr Ray McCaffrey (Research Officer)
Mr Hugh Widdis (Director of Legal Services)
Ms Tara Caul (Head of Legal Services)
Ms Angela Kelly (Legal Adviser)

11.04am The meeting opened in public session

4. Review of Parts III and IV of the Northern Ireland Act

The Committee noted the Clerk's memo and the Clerk briefed the Committee in relation to this issue.

Agreed: The Committee agreed that, on receipt of an expected letter from the Secretary of State, the Chairperson will issue a letter to Political Parties, to request their priorities for the Committee's review of the provisions of Parts 3 and 4 of the NI Act, within the available timescale set out in the Secretary of State's letter for a proposed Northern Ireland Bill.

12.10pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 25 October 2011, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Pat Doherty
Mr Simon Hamilton
Mr Raymond McCartney
Mrs Sandra Overend

Apologies: Mr Gregory Campbell
Mr Stewart Dickson

In Attendance: Mr John Simmons (Assembly Clerk)
Mrs Ashleigh Mitford (Assistant Assembly Clerk)
Mr Michael Greer (Clerical Supervisor)
Ms Andrienne Magee (Clerical Officer)
Mr Ray McCaffrey (Research Officer)

11.04am The meeting opened in public session.

5. Review of Parts III and IV of the Northern Ireland Act

11.07am Mr Sheehan joined the meeting

The Committee noted correspondence from the Secretary of State of 24 October 2011 and a subsequent Committee request letter to Political Parties in relation to their priorities for the Committee's immediate work programme reviewing Parts III and IV of the NI Act.

The Chairperson highlighted that Parties have been asked to provide a response by 8 November 2011.

The Committee noted the Clerk's memo and the Clerk briefed the Committee in relation to this issue.

11.10am Mr Sheehan left the meeting.

11.14am Mr Hamilton joined the meeting.

The following representative from Assembly Research and Library Service joined the meeting:
Raymond McCaffrey – Research Officer

The representative briefed the Committee on the issue of the Size of the Assembly.

This was followed by a question and answer session.

Agreed: The Committee agreed that further research information should be provided in relation to this issue.

11.27am Mr McCartney left the meeting.

The representative briefed the Committee on the issue of Multiple Mandates.

This was followed by a question and answer session.

Agreed: The Committee agreed to receive a research briefing on the issue of 'Length of Mandate' at its first meeting after Halloween Recess.

11.34am The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 8 November 2011, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Paul Givan
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt
Mrs Sandra Overend

Apologies: Mr Pat Doherty

In Attendance: Mr Paul Gill (Assembly Clerk)
Mrs Ashleigh Mitford (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)
Ms Angela Kelly (Legal Adviser)
Mr Ray McCaffrey (Research Officer)

11.06am The meeting opened in public session.

6. Review of Parts III and IV of the Northern Ireland Act

11.30am Mr Givan, Mr Hamilton and Mr Sheehan left the meeting

The following representative from Assembly Research and Library Service joined the meeting:

Raymond McCaffrey – Research Officer

The representative briefed the Committee on the issue of the length of the Assembly mandate.

This was followed by a question and answer session.

11.43am The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 15 November 2011, Room 144, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Roy Beggs
Mr Stewart Dickson
Mr Pat Doherty
Mr Paul Givan
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt

Apologies: Mr Pat Sheehan (Deputy Chairperson)
Mr Gregory Campbell
Mrs Sandra Overend

In Attendance: Mr John Simmons (Assembly Clerk)
Mrs Ashleigh Mitford (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)
Mr Hugh Widdis (Head of Legal Services)
Ms Angela Kelly (Legal Adviser)

11.03am The meeting opened in public session

5. Review of Parts III and IV of the Northern Ireland Act

The Chairperson reminded the Committee that the purpose of this agenda item was for the Committee to consider and agree its work programme in relation to its immediate Review of Parts III and IV of the Northern Ireland Act and to receive a further briefing from Assembly Research and Information Service on the subject of the Size of the Assembly.

The Clerk briefed the Committee

The Chairperson reminded the Members that the deadline for submissions from Political Parties in relation to this Review was 7 November 2011 and requested that Members should do all within their power to get Party responses to the Committee Secretariat as soon as possible.

Agreed: The Committee agreed to defer the planned Research Briefing on the subject of the Size of the Assembly to the Committee's meeting of 22 November 2011.

12.11pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 22 November 2011, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Pat Doherty
Mr Paul Givan
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt
Mrs Sandra Overend

Apologies: Mr Stewart Dickson

In Attendance: Mr John Simmons (Assembly Clerk)
Mrs Ashleigh Mitford (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)
Mr Raymond McCaffrey

11.00am The meeting opened in public session

5. Review of Parts III and IV of the Northern Ireland Act

The Chairperson reminded the Committee that the purpose of this agenda item was for the Committee to consider and agree its work programme in relation to its immediate Review of Parts III and IV of the Northern Ireland Act and to receive a further briefing from Assembly Research and Information Service on the subject of the Size of the Assembly.

The Clerk briefed the Committee

The Chairperson reminded the Members that the deadline for submissions from Political Parties in relation to this Review was 7 November 2011 and requested that Members should do all within their power to get outstanding Party responses to the Committee Secretariat as soon as possible.

The following representative from the Assembly's Research and Information Service joined the meeting:

Raymond McCaffrey – Research Officer

The representative briefed the Committee of the subject of the Size of the Assembly.

This was followed by a question and answer session.

Agreed: The Committee agreed that further research information should be provided on this subject.

11.59am The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 17 January 2012, Room 29, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Stewart Dickson
Mr Pat Doherty
Mr Paul Givan
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt
Mrs Sandra Overend

Apologies: None

In Attendance: Mr John Simmons (Assembly Clerk)
Mr Phil Pateman (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)
Mr Raymond McCaffrey (Research Officer)

11.03am The meeting opened. in public session

5. **Review of Parts III and IV of the Northern Ireland Act**

The Chairperson reminded the Committee that the purpose of this agenda item was for the Committee to consider and agree its priorities in relation to its immediate Review of Parts III and IV of the Northern Ireland Act and to receive a further briefing from Assembly Research and Information Service on the subject of the structure of the Northern Ireland Assembly and the electoral systems for the Scottish Parliament and the National Assembly for Wales.

11.07am Mr Dickson joined the meeting.

11.09am Mr Campbell joined the meeting.

11.15am Mr Hamilton joined the meeting.

11.19am Mr Hamilton left the meeting.

The Clerk briefed the Committee on the papers before the Committee, highlighting the responses received from Political Parties represented on the Committee and correspondence from the Green Party and the Traditional Unionsit Voice.

The Chairperson invited the Deputy Chairperson to give an oral presentation on his Party's viewpoint of the priorities for immediate review. The deputy Chairperson set out his Party's viewpoint and undertook to follow this up with a paper to Committee.

The Chairperson advised Members that there would appear to be some level of agreement that the Committee reviews the area of the size of the Assembly and the number of Northern Ireland departments.

A Member raised that the issue of coterminous Assembly and Westminster constituencies should also be included within the scope of the review

Agreed: The Committee agreed that the Committee Secretariat should draft a proposed work plan of a review in this area for Committee consideration at a future meeting.

Agreed: The Committee agreed to seek legal advice relating to this area – such as matters relating to a reduction in the number of MLAs.

Agreed: The Committee agree to write to the First Minister and deputy First Minister to clarify what work is being done or planned for 2012 in relation to a reduction in the number of Government departments post-2015 by OFMDFM and/or the Efficiency Review Panel.

Agreed: The Committee agreed to respond to the Green Party and the Traditional Unionist Voice thanking them for their views.

The following representative from the Assembly's Research and Information Service joined the meeting:

Raymond McCaffrey – Research Officer

The representative briefed the Committee on information requested relating to the structure of the Northern Ireland Assembly and the electoral systems for the Scottish Parliament and the National Assembly for Wales.

This was followed by a question and answer session.

The Research Officer undertook to clarify some of the points raised by the Committee.

11.49am The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 31 January 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Stewart Dickson
Mr Pat Doherty
Mr Paul Givan
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt
Mrs Sandra Overend

In Attendance: Mr John Simmons (Assembly Clerk)
Mr Phil Pateman (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)
Mr Jonathan McMillen (Assembly Legal Adviser)

11.01am The meeting opened in public session

5. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the number of NI Departments

The Chairperson reminded the Committee that the purpose of this agenda item was for the Committee to consider and agree its priorities in relation to its immediate Review of Parts III and IV of the Northern Ireland Act and to consider legal advice previously sought by the Committee.

11.07am Ms Overend joined the meeting.

The Clerk briefed the Committee on the papers before Members today.

11.08am The meeting went into CLOSED SESSION

11.08am Mr McCartney joined the meeting.

An Assembly Legal Adviser joined the meeting and briefed the Committee on the legal advice.

This was followed by a question and answer session and the Assembly Legal Adviser left the meeting

11.29am Mr Givan joined the meeting.

12.04pm Mr Campbell left the meeting.

The Committee discussed its forthcoming Review including the draft terms of reference, the scope of the stakeholder list and the approach to gathering evidence.

12.11pm The meeting went back into PUBLIC SESSION

Agreed: The Committee agreed, subject to finalisation of wording, the principles of the terms of reference as amended.

Agreed: The Committee agreed the proposed stakeholder list as amended.

Agreed: The Committee agreed the proposed timetable as amended.

Agreed: The Committee agreed that the following items were outside the scope of the review:

- Alternative electoral systems/ models; and
- The statutory basis for the current committee system

Agreed: The Committee agreed that the Committee staff draft up a proposed stakeholder 'Call for Evidence' paper in line with the amended terms of the Review for consideration at its next meeting

12.15pm Mr Hamilton left the meeting.

12.16pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 7 February 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Pat Doherty
Mr Paul Givan
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt
Mrs Sandra Overend

Apologies: Mr Stephen Moutray (Chairperson)
Mr Stewart Dickson

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.03am The meeting opened in public session

5. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the number of NI Departments

The Chairperson reminded the Committee that the purpose of this agenda item was for the Committee to consider and agree the wording of the revised Terms of Reference of its Review of Parts III and IV of the Northern Ireland Act, the detailed stakeholder list, the revised timetable of the Review and a draft of a stakeholder 'Call for Evidence' paper.

The Clerk briefed the Committee on the papers before Members today.

The Committee discussed its forthcoming Review including the revised Terms of Reference, the detailed stakeholder list, the revised timetable and a draft stakeholder 'Call for Evidence' paper.

Agreed: To add the phrase "consistent with the safeguards on inclusivity," in the draft terms of reference under bullet point 3.

Agreed: To add to the detailed stakeholder list, the Clerk/Director General of the Northern Ireland Assembly.

11.16am Mr Roy Beggs joined the meeting.

11.16am Mr. Simon Hamilton joined the meeting.

Agreed: The Committee agreed the detailed stakeholder list.

11.17am Mr Paul Givan joined the meeting.

Agreed: Content with the revised, phased timetable.

Agreed: The Committee agreed that the Committee staff complete the drafting of the stakeholder 'Call for Evidence' paper in line with the Committee's comments and views regarding:

- background information on any further reduction in the number of MLAs that may transpire, beyond the implications of the Parliamentary Voting System and Constituencies Act 2011;
- further background information in relation to the number of MLAs and the number of constituencies; and
- clarity in the questions on the number of MLAs if Northern Ireland's link with Westminster constituencies is either retained or removed.

Agreed: To consider the amended draft stakeholder 'Call for Evidence' paper at the next meeting.

11.30pm The Deputy Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 14 February 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Pat Doherty
Mr Paul Givan
Mr Raymond McCartney
Mrs Sandra Overend

Apologies: Mr Gregory Campbell
Mr Simon Hamilton

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.06am The meeting opened in public session

4. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the number of NI Departments

The Chairperson reminded the Committee that the purpose of this agenda item was for the Committee to consider and agree the wording of the revised Terms of Reference of its Review of Parts III and IV of the Northern Ireland Act, the revised stakeholder 'Call for Evidence' paper and the signposting advertisement for the Review.

The Clerk briefed the Committee on the papers before Members today.

11.07am Mr Paul Givan left the meeting.

11.12am The meeting was suspended due to absence of quorum.

11.15am The meeting resumed.

The Chairperson reminded the Committee of the purpose of this agenda item and the Clerk briefed the Committee on the papers before Members.

The Committee discussed its forthcoming Review including the revised Terms of Reference, the revised stakeholder 'Call for Evidence' paper and the signposting advertisement for the Review.

Agreed: The Committee agreed the revised Terms of Reference.

Agreed: The Committee agreed the revised stakeholder 'Call for Evidence' paper.

11.20am Mrs Sandra Overend joined the meeting.

Agreed: The Committee agreed the signposting advertisement for the Review.

Agreed: That the Committee staff make the appropriate arrangements to publish the advertisement in the three daily papers.

Agreed: That the Committee staff publish the Terms of Reference on the Committee's webpage and to issue the stakeholder 'Call for Evidence' paper to the key stakeholders that were agreed at the meeting of 31 January.

The Chairperson reminded Members that the deadline for submissions on the 'Call for Evidence' paper is 28 March 2012, and that it is hoped that some key stakeholders may make their submissions before the deadline.

Agreed: That the Committee staff, in consultation with the Chairperson and Deputy Chairperson, write to Members to advise of submissions and stakeholders, which might be invited to provide oral evidence at the next Committee meeting or the following meeting.

11.22am The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 28 February 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Roy Beggs
Mr Conall McDevitt
Mrs Sandra Overend

Apologies: Mr Gregory Campbell
Mr Pat Doherty
Mr Simon Hamilton

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Mrs Danielle Saunders (Clerical Supervisor)
Ms Andrienne Magee (Clerical Officer)
Mr Raymond McCaffrey (Research Officer)

3.11pm The meeting opened. in public session, starting with the consideration of Agenda item 4.

1. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the number of NI Departments

The Chairperson reminded the Committee that the purpose of this agenda item was for the Committee to consider oral evidence on its Review and also to consider a short Assembly Research briefing on 'Electoral Boundaries in Scotland and Wales'.

The Clerk briefed the Committee on the papers before Members.

The Chairperson invited Professor Rick Wilford, Director of Legislative Studies and Practice, Queen's University Belfast to join the meeting.

3.14pm Professor Rick Wilford joined the meeting.

Professor Rick Wilford briefed the Committee on his written submission on the Committee's Review.

This was followed by a question and answer session.

The Chairperson thanked Professor Wilford for his oral evidence and attending the meeting.

3.42pm Professor Rick Wilford left the meeting.

The Chairperson invited Mr Ray McCaffrey, Research Officer, NI Assembly Research Services to join the meeting.

3.42pm The Research Officer joined the meeting.

The Research Officer briefed the Committee on his Research Paper entitled 'Electoral Boundaries in Scotland and Wales'.

There were no questions or points of clarification from Members.

The Chairperson thanked Mr McCaffrey for his briefing and attending the meeting.

3.48pm The Research Officer left the meeting.

3.48pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 13 March 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Stewart Dickson
Mr Pat Doherty
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt

Apologies: Mr Paul Givan
Mrs Sandra Overend

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.02am The meeting opened in public session.

5. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the number of NI Departments.

The Chairperson advised the Committee that the purpose of this agenda item was for the Committee to consider further oral evidence for its Review.

11.08am Mr Stewart Dickson joined the Committee.

The Clerk briefed the Committee on the papers before Members.

The Chairperson invited Councillor Evelyne Robinson, President of Northern Ireland Local Government Association (NILGA) and Mr Derek McCallan, Chief Executive of NILGA, to join the meeting.

11.08am Councillor Robinson and Mr McCallan joined the meeting.

Mr Moutray and Mr Dickson declared an interest as local district councillors.

Councillor Robinson and Mr McCallan briefed the Committee on NILGA's written submission on the Committee's Review.

11.12am Mr Pat Doherty joined the meeting.

This was followed by a question and answer session.

The Chairperson thanked Councillor Robinson and Mr McCallan for their oral evidence and their attendance at the Committee meeting.

11.35am Councillor Robinson and Mr McCallan left the meeting.

11.35am The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 20 March 2012, Room 29, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Pat Doherty
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt
Mrs Sandra Overend

Apologies: Mr Stewart Dickson

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.02 am The meeting opened in public session

5. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the number of NI Departments.

The Chairperson advised the Committee that the purpose of this agenda item was for the Committee to consider oral evidence from Mr Trevor Reaney, Clerk/ Director General of the Northern Ireland Assembly and Mr John Stewart, Director of Clerking and Reporting in relation to its Review.

The Clerk briefed the Committee on the papers before Members.

The Chairperson invited Mr Trevor Reaney and Mr John Stewart to join the meeting.

11.04am Mr Reaney and Mr Stewart joined the meeting.

Mr Reaney briefed the Committee on his written submission to the Committee's Review.

11.08am Mr Sheehan left the meeting.

This was followed by a question and answer session.

11.28am Mr McDevitt left the meeting.

Agreed: To receive additional information from the witnesses in relation to the practice of committees in other legislatures having powers to make amendments to bills during a committee stage and how this could perhaps be applied in the NI Assembly.

Agreed: To commission Assembly Research in relation to the manner in which other parliaments (e.g. Westminster, Welsh, Scottish and Dáil) schedule parliamentary business for plenary sessions, committee meetings and constituency work.

The Chairperson thanked Mr Reaney and Mr Stewart for their oral evidence and their attendance at the Committee meeting.

11.35am Mr Reaney and Mr Stewart left the meeting.

11.35am The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 17 April 2012, Room 29, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Roy Beggs
Mr Gregory Campbell
Mr Stewart Dickson
Mr Pat Doherty
Mr Paul Givan
Mr Simon Hamilton
Mr Raymond McCartney

Apologies: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Conall McDevitt
Mrs Sandra Overend

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)
Mr Raymond McCaffrey (Assembly Research Officer)

11.04 am The meeting opened in public session with the Clerk of the Committee in the Chair.

4. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments.

The Chairperson advised the Members that the purpose of the agenda item was for the Committee to:

- Consider papers on the meeting that the Chairperson and Deputy Chairperson had with the First Minister and deputy First Minister on 4th April 2012;
- Consider the written submissions received to date on the Committee's Review; and
- Consider an Assembly Research Paper entitled 'Scheduling Parliamentary Time'.

The Clerk briefed the Committee on the papers before Members.

Chairperson and Deputy Chairperson's meeting with the First Minister and deputy First Minister

The Committee considered the papers on this meeting.

The Committee discussed inviting Executive Party Leaders to provide oral evidence on the Review.

Agreed: To postpone consideration of inviting Executive Party Leaders to provide oral evidence on the Review until all Party responses have been received and considered.

Written submissions to the Review

The Chairperson drew Members' attention to the written responses received to date and to the summary analysis of these submissions.

The Chairperson provided an overview and a broad summary of written responses received to date in relation to the five issues set out in the Committee's 'Call for Evidence' paper and asked for Members' comments and views.

Agreed: To consider further responses received (in particular the Political Parties of the Northern Ireland Assembly) at the next Committee meeting with a view to move to start to agree a Committee position on the issues in relation to the number of MLAs.

The Chairperson referred to outstanding written responses from Political Parties of the Assembly and asked if Members could provide the Committee Secretariat with their respective Political Parties' written responses at the earliest opportunity, or alternatively, prepare to speak to their Parties' views on this Review at the next Committee meeting.

Assembly Research Paper: 'Scheduling Parliamentary Time'

The Chairperson invited Mr Ray McCaffrey, Research Officer, NI Assembly Research Services to join the meeting.

11.18am The Assembly Research Officer joined the meeting.

11.22am Mr Paul Givan joined the meeting.

The Research Officer briefed the Committee on the Assembly Research Paper entitled 'Scheduling Parliamentary Time'.

This was followed by a question and answer session.

Agreed: To commission further Assembly Research on the scheduling of plenaries and committee meetings in UK and Ireland parliaments.

The Chairperson thanked the Research Officer for his briefing and attending the meeting.

11.44am The Assembly Research Officer left the meeting.

11.46am The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 24 April 2012, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Stewart Dickson
Mr Paul Givan
Mr Simon Hamilton
Mr John McCallister
Mr Raymond McCartney
Mr Conall McDevitt

Apologies: Mr Pat Sheehan (Deputy Chairperson)
Mr Pat Doherty

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.05am The meeting opened in public session.

4. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments.

The Chairperson advised Members that the purpose of this agenda item was for the Committee to consider the written submissions received to date on the Committee's Review and, in particular the submissions received from the Political Parties of the Assembly.

11.08am Mr Simon Hamilton joined the meeting.

The Clerk briefed the Committee on the papers before Members.

11.11am Mr Gregory Campbell joined the meeting.

11.13am Mr Stewart Dickson joined the meeting.

The Chair called upon Members to summarise their Party's views on the key issues on the Committee's Review – in alphabetical order Alliance, DUP, SDLP, Sinn Féin and UUP

The Clerk summarised the Alliance Party's written submission, as the representative was not present.

Mr Simon Hamilton summarised the DUP's views.

Mr Conall McDevitt summarised the SDLP's views.

Mr Raymond McCartney summarised Sinn Féin's views.

Mr Roy Beggs summarised the UUP's views.

The Chair proposed that the Committee move into closed session to allow the Members to consider and discuss in more detail the written evidence received on the Review and in particular the five key issues set out in the 'Call for Evidence' paper.

Mr Roy Beggs and Mr John McCallister opposed the proposal for the Committee to move into closed session, as they believed this item of business should be considered in public session.

Mr Paul Givan, Mr Simon Hamilton and Mr Gregory Campbell spoke in favour of the proposal for the Committee to move into closed session, as they believed it would be a useful and constructive discussion for Members to deliberate and seek an agreed Committee position.

Agreed: To move into closed session.

11.35am The Committee moved into closed session.

Members commenced a discussion on their views on the key issues of the Review, as set out in the Committee's 'Call for Evidence' Paper.

12.08am Mr Stewart Dickson left the meeting.

12.16pm Mr Simon Hamilton left the meeting.

12.18pm Mr Roy Beggs left the meeting.

Agreed: To commission further Assembly Research on issues arising from the Committee's discussion on the statutory link between Westminster and NI Assembly constituencies.

Agreed: To continue the closed session discussion on the Review at the next Committee meeting.

12.20pm The Committee moved into public session.

12.21pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 8 May, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Pat Doherty
Mr Paul Givan
Mr Simon Hamilton
Mr John McCallister
Mr Raymond McCartney
Mr Conall McDevitt

Apologies: Mr Stephen Moutray (Chairperson)
Mr Stewart Dickson

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Ms Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)
Mr Tim Moore (Senior Research Officer)

11.03am The meeting opened in public session.

4. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments.

The Deputy Chairperson advised Members that the purpose of this agenda item was for the Committee to further consider the written submissions received on the Committee's Review, and in particular, from the Political Parties of the Assembly, and to consider two Assembly Research Papers commissioned by the Committee as part of the Review.

The Clerk briefed the Committee on the papers before Members.

11.07am Mr Paul Givan joined the meeting.

The Chairperson invited Mr Tim Moore, Senior Research Officer, NI Assembly Research Services to join the meeting.

11.08am The Senior Research Officer joined the meeting.

The Senior Research Officer briefed the Committee on the Assembly Research Paper entitled 'Further Information on Plenary and Committee Business in the Northern Ireland Assembly and other Legislatures'.

11.12am Mr Raymond McCartney joined the meeting.

This was followed by a question and answer session.

The Senior Research Officer briefed the Committee on the Assembly Research Paper entitled, 'Electoral Constituencies'.

11.25am The meeting was suspended by the Deputy Chairperson due to the call of Members to the Chamber by the division bell.

11.44am The meeting resumed resumed by the Deputy Chairperson with Mr Roy Beggs, Mr Pat Doherty, Mr Simon Hamilton and Mr Conall McDevitt present.

The Senior Research Officer continued to brief the Committee on the Assembly Research Paper entitled, 'Electoral Constituencies'.

11.48am Mr Paul Givan rejoined the meeting.

11.51am Mr Gregory Campbell rejoined the meeting.

No questions were raised by Members on this briefing.

11.52am Mr Conall McDevitt left the meeting.

The Deputy Chairperson thanked the Senior Research Officer for his briefing and attending the meeting.

11.54am The Senior Research Officer left the meeting.

The Deputy Chairperson proposed that the Committee consider agenda items Any Other Business and the Date, Time and Place of Next Meeting at this point and then move into closed session to allow the Committee to continue its consideration and discussion in more detail on the written evidence received on the Review and, in particular, the five key issues set out in the 'Call for Evidence' paper.

Agreed: To consider Any Other Business and Date, Time and Place of Next Meeting and then to move into closed session.

11.55am The Committee moved into closed session.

7. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments.

Members commenced a discussion on their views on the key issues of the Review, as set out in the Committee's 'Call for Evidence' Paper.

12.00pm Mr Roy Beggs left the meeting.

Agreed: To commission further Assembly Research on issues arising from the Committee's discussion on the statutory link between Westminster and NI Assembly constituencies.

Agreed: To commission Assembly Legal Services for advice on issues arising from the Committee's discussion on the statutory link between Westminster and NI Assembly constituencies.

12.12pm The Deputy Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 15 May, Room 29, Parliament Buildings, Ballymiscaw, Stormont

Present:	Mr Stephen Moutray (Chairperson) Mr Pat Sheehan (Deputy Chairperson) Mr Roy Beggs Mr Gregory Campbell Mr Stewart Dickson Mr Pat Doherty Mr Paul Givan Mr Simon Hamilton
Apologies:	Mr John McCallister Mr Conall McDevitt
In Attendance:	Mr John Simmons (Assembly Clerk) Ms Sohui Yim (Assistant Assembly Clerk) Ms Andrienne Magee (Clerical Officer) Mr Christopher McNickle (Clerical Officer) Mr Jonathan McMillen (Assembly Legal Adviser) Mr Tim Moore (Senior Research Officer)

11.05 am The meeting opened in public session.

4. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments.

The Chairperson advised Members that the purpose of this agenda item was for the Committee to further consider the written submissions received on the Committee's Review, and in particular, from the Political Parties of the Assembly; to consider Assembly Research Papers commissioned by the Committee as part of the Review; and to consider legal advice (in closed session) commissioned by the Committee as part of the Review.

11.06am Mr Stewart Dickson joined the meeting.

11.06am Mr Pat Doherty joined the meeting.

The Clerk briefed the Committee on the papers before Members.

11.08am Mr Paul Givan joined the meeting.

The Chairperson invited Mr Tim Moore, Senior Research Officer, Assembly Research Services to join the meeting.

11.10am The Senior Research Officer joined the meeting.

The Senior Research Officer briefed the Committee on the Assembly Research Paper entitled 'Electoral Constituencies – Further Information on Decoupling in Scotland'

This was followed by a question and answer session.

The Senior Research Officer briefed the Committee on the Assembly Research Paper entitled 'Committee Stages of Bills'.

This was followed by a question and answer session.

The Chairperson thanked the Senior Research Officer for his briefings and attending the meeting.

11.24am The Senior Research Officer left the meeting.

The Chairperson proposed that the Committee consider agenda items Any Other Business and the Date, Time and Place of Next Meeting at this point and then move into closed session to allow the Committee to consider legal advice on the Review and to continue its detailed discussion on the written evidence received on the Review and, in particular, the five key issues set out in the 'Call for Evidence' paper.

Agreed: To consider Any Other Business and Date, Time and Place of Next Meeting and then to move into closed session.

11.30am The Committee moved into closed session.

7. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments.

The Committee considered legal advice that was commissioned to inform its Review and continued its discussions on Members' views on the key issues of the Review, as set out in the Committee's 'Call for Evidence' Paper.

Agreed: To consider an initial first draft of the Report on the Review at the next Committee meeting.

12.10pm The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 29 May, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Stewart Dickson
Mr Pat Doherty
Mr Simon Hamilton
Mr Raymond McCartney

Apologies: Mr John McCallister
Mr Conall McDevitt

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Mr Dominic O'Farrell (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.05am The meeting opened in public session.

11.08am The Committee moved into closed session.

6. **Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments.**

The Chairperson advised Members that the purpose of this agenda item was for the Committee to further consider the written submissions received on the Committee's Review, and in particular, from the Political Parties of the Assembly and to consider the initial first draft of the Committee's Report.

The Committee discussed points raised in a letter that was issued to AERC Members from the Chairperson on 17th May 2012 regarding Political Parties' views on the number of MLAs and decoupling.

The Committee considered a draft 'options paper' that primarily provided options (under both coupled and decoupled models) for the Assembly in terms of the number of constituencies, possible multipliers for the number of MLAs per constituency, implications, practicalities for implementation and timing implications for the next Assembly election (2015). Members commented that the draft 'options paper' was useful in that it clearly set out some of the options discussed.

11.30am Stewart Dickson joined the meeting.

The Committee considered an initial first draft of the Committee's Report on the Review of the Size of the Assembly

Agreed: Content with the appendices included in the initial draft Report and that the Committee office update the appropriate appendices accordingly.

Agreed: Content with the Committee Consideration section of the Report to date.

Agreed: To consider a final draft of the Committee's Report on the Review at the next Committee meeting.

Agreed: To consider a draft motion for debate in Assembly Plenary of the Report at the next Committee meeting.

11.36am The Chairperson adjourned the meeting.

[EXTRACT]

Tuesday 12 June, Room 21, Parliament Buildings, Ballymiscaw, Stormont

Present: Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Gregory Campbell
Mr Pat Doherty
Mr Simon Hamilton
Mr Raymond McCartney
Mr Conall McDevitt

Apologies: Mr Stewart Dickson
Mr John McCallister

In Attendance: Mr John Simmons (Assembly Clerk)
Ms Sohui Yim (Assistant Assembly Clerk)
Mr Andrienne Magee (Clerical Officer)
Mr Christopher McNickle (Clerical Officer)

11.03am The meeting opened in closed session.

1. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments.

11.04am Raymond McCartney joined the meeting.

11.05am Gregory Campbell joined the meeting.

The Committee considered a final draft Report of its Review on the Size of the Assembly.

11.15am Conall McDevitt joined the meeting.

Agreed: The Committee agreed some text amendments to the conclusions in the 'Conclusions' section of the Report.

11.22am The Committee moved into open session.

5. Review of Parts III and IV of the Northern Ireland Act in the Context of Reviewing the Size of the NI Assembly and the Number of NI Departments.

The Chairperson advised the Committee that the purpose of this session was to allow the Committee to agree the final draft of the Report on the Review of the Size of the Assembly and the draft motion for Assembly Plenary debate on the Report.

Agreed: That paragraphs 7-27, the 'Introduction' section, stands part of the Report.

Agreed: That paragraphs 28-38, the 'Committee's Approach to the Review' section, stands part of the Report.

Agreed: That paragraphs 39-118, the 'Committee Consideration' section, stands part of the Report.

Agreed: That paragraphs 119-136, the 'Conclusions' section, stands part of the Report.

Agreed: That paragraphs 1-6, the 'Executive Summary' section, stands part of the Report.

Agreed: That Appendix 1 of the Report, the Extracts of the Minutes of Proceedings relating to the Review, stands part of the Report.

- Agreed:* That Appendix 2 of the Report, the Minutes of Evidence (Hansards) relating to the Review, stands part of the Report.
- Agreed:* That Appendix 3 of the Report, the Stakeholder list and Stakeholder 'Call for Evidence' paper, stands part of the Report.
- Agreed:* That Appendix 4 of the Report, Stakeholder Analysis table and the full copies of stakeholders' submissions, stands part of the Report.
- Agreed:* That Appendix 5 of the Report, Correspondence relating to the Review, stands part of the Report.
- Agreed:* That Appendix 6 of the Report, Research Papers relating to the Review, stands part of the Report.
- Agreed:* That the Committee secretariat make any changes to typos and the format of the Report as and when necessary, as these have no effect on the substance of the Report and are purely for formatting and accuracy of text purposes.
- Agreed:* That the Chairperson of the Committee approve the extract of the minutes of proceedings from today's meeting for inclusion into the Report.
- Agreed:* That that the first edition of today's Hansard record of the Review be included in the Report.
- Agreed:* That the Committee secretariat forwards an embargoed, electronic version of the Report as soon as it becomes available – with an appropriate covering letter from the Chairperson – to the Secretary of State, First Minister and deputy First Minister, Party leaders of the Assembly and Independent Members of the Assembly.
- Agreed:* The wording of the draft motion for debate in Assembly Plenary to be scheduled in Assembly Plenary on 25th June 2012 (subject to agreement by the Business Committee).
- Agreed:* To order the Report to be printed and that the Report be embargoed until the debate scheduled in Assembly Plenary (25th June 2012).
- Agreed:* That the number of printed copies of the Report be kept to a minimum in the interest of efficiency.
- Agreed:* That a manuscript copy of the Report be laid with the Business Office by close Wednesday, 13th June 2012.

11.29am The Chairperson adjourned the meeting.

Mr Stephen Moutray

Chairperson

Assembly and Executive Review Committee

[EXTRACT]



Northern Ireland
Assembly

Appendix 2

Minutes of Evidence

Appendix 2 – Minutes of Evidence

31st January 2012

7th February 2012

14th February 2012

28th February 2012

13th March 2012

20th March 2012

17th April 2012

24th April 2012

8th May 2012

15th May 2012

12th June 2012

31 January 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
 Mr Pat Sheehan (Deputy Chairperson)
 Mr Roy Beggs
 Mr Gregory Campbell
 Mr Stewart Dickson
 Mr Pat Doherty
 Mr Paul Givan
 Mr Simon Hamilton
 Mr Raymond McCartney
 Mr Conall McDevitt
 Mrs Sandra Overend

1. **The Chairperson:** We move on to the review of Parts III and IV of the Northern Ireland Act 1998 in the context of reviewing the size of the Assembly and the number of Departments. The purpose of this agenda item is for the Committee to consider and agree the approach to its review and the terms of reference for the immediate review work up to the end of June 2012.
2. Members will recall that the Committee agreed that I would write to the First Minister and deputy First Minister to clarify what work is being done and/or planned for 2012 in relation to a reduction in the number of Departments post-2015 by the Office of the First Minister and deputy First Minister (OFMDFM) and/or the efficiency review panel. That letter is at tab 4 of today's papers. To date, I have had no substantive response to it.
3. As regards how we proceed with this agenda item, I propose that the Committee hears the legal advice on possible changes in the membership and structures of the Assembly. I propose that, before the Committee moves into closed session to take legal advice, the Committee Clerk outlines the paperwork to set a context to the decisions before the Committee today.
4. Are members content?
5. **The Chairperson:** In that case, we ask the Committee Clerk to outline the papers before the Committee.
6. **The Committee Clerk:** Thank you. Members, I will be referring to the memo at tab 3 when giving my summary and I will highlight a few of the papers before the Committee.
7. We have draft terms of reference, which can be found at tab 6 of today's folder. That has been developed on the basis of the Committee's consideration of the subject area to date, taking into account the key points raised by members following briefings from the Assembly's Research and Information Service on the size of the Assembly and Assembly structures. In short, it is proposed that the purpose of the review is to consider the discrete subject of the size of the Assembly in terms of the number of MLAs. As proposed and agreed at the Committee's meeting on 17 January, the issue of coterminosity or decoupling from Westminster constituencies has been included in the draft terms of reference for consideration today.
8. Other paperwork on the Committee's forthcoming review relates to evidence gathering. A draft stakeholder list is at tab 7 in the pack. That has to be mindful, of course, of the agreed terms of reference following today's deliberations and the timescales that we have to follow for the review.
9. On the subject of timescales, a detailed — or not so detailed — proposed timescale has been tabled today. That takes into account the fact that, as members will recall, the Secretary of State wrote to the Committee on 24 October 2011, stating that there was the potential for legislative changes to be delivered by a Bill in the third session of the Westminster Parliament. That, in itself, presents a challenge in that the Secretary of State has asked this Committee to conclude its review and to report to the Assembly de facto in early June 2012. The proposed timetable has been tabled for members' consideration later in the meeting.

Members indicated assent.

10. **Mr Beggs:** The Committee Clerk indicated that we discussed the issue of coterminosity at the previous meeting and that it was agreed that it would be included. The minute states that a member raised the issue. I actually raised a contrary view. I do not necessarily have to have my name mentioned in every minute, so I did not raise it as an issue when the minutes were agreed earlier. However, the minute does not state that the Committee agreed with the point that the issue should be included, and I certainly did not agree with it. The Committee may have voted on it, but we did not do that to take a decision. It is incorrect to say that the Committee agreed collectively, at that stage anyway, that the issue of coterminosity would be included.

11. **The Chairperson:** We will take that into consideration at the point when we consider the draft terms of reference.

12. Are members content that we move into closed session?

Members indicated assent.

13. **The Chairperson:** I ask any members of the public in the Public Gallery to leave the room, please.

The meeting continued in closed session.

On resuming —

14. **The Chairperson:** The Committee Clerk will now take us through the draft terms of reference.

15. **The Committee Clerk:** I will read out the draft terms of reference for the record.

"The Assembly and Executive Review Committee will review the potential benefit of streamlining government institutions, and the number of MLAs elected to the Northern Ireland Assembly should be reduced at the next Assembly election."

16. Linked to that will be a phase of looking at the number of Northern Ireland Departments and the structure of government therein. Specifically, in undertaking that review, the Committee will take evidence on:

"The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained; The implications of the reduction of the current number of MLAs, as in Westminster legislation, and, indeed, the number of MLAs."

17. Thirdly, the Committee will consider:

"Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system".

18. The final part of the review is:

"Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link ... The Committee will report and make recommendations to the Assembly on these matters by early June 2012."

19. **The Chairperson:** Are members agreed?

20. **Mr Beggs:** Will you read the opening paragraph again? It did not read smoothly to me, so I would like to hear it again, please.

21. **The Committee Clerk:** It is:

"The Assembly and Executive Review Committee will review the potential benefit of streamlining government institutions, and the number of MLAs elected to the Northern Ireland Assembly should be reduced at the next Assembly election."

22. **Mr Beggs:** We are saying that it should be reviewed, but the second part does not follow on from that. The grammar is not quite right.

23. **The Committee Clerk:** Perhaps we could add "and as a result"?

24. **Mr Beggs:** Or even:

"and reviewing the number elected to the Northern Ireland Assembly at the next election."

25. **The Committee Clerk:** OK. Will you repeat that wording?

26. **Mr Beggs:** After "streamlining government institutions", add:

"and reviewing the number of MLAs elected to the Northern Ireland Assembly at the next election."

27. We know that the number will be reduced. Perhaps someone could come up with some other form of words. The language used just did not read well.

28. **The Chairperson:** There needs to be a bit of work on the wording.

29. **The Committee Clerk:** I can bring that back to the Committee, but that is it in essence.

30. **The Chairperson:** Are members agreed?

Members indicated assent.

31. **The Chairperson:** In agreeing the terms of reference, members agreed that the following are outside the scope of the review: alternative electoral systems and models; and the statutory basis for the current committee system.

32. Are members agreed?

Members indicated assent.

33. **The Chairperson:** The Committee Clerk will now read the proposed stakeholder list.

34. **The Committee Clerk:** The list will include all political parties of the Assembly. All registered political parties will be written to and invited to submit. The other subset is the First Minister and deputy First Minister; the Office of the First Minister and deputy First Minister; and the Committee for the Office of First Minister and deputy First Minister.

35. The Committee has also agreed to write to the following: constitutional experts, of whom there is a list of six at present; the Clerks of the Scottish Parliament, the National Assembly for Wales and the Oireachtas; the 26 local authorities, which will involve writing to the Northern Ireland Local Government Association (NILGA); Platform for Change; and the Clerks of other Parliaments, including those of the Channel Islands and the Isle of Man.

36. **Mr McDevitt:** And a public notice?

37. **The Committee Clerk:** Yes, there will be a public notice encouraging wider stakeholder contributions.

38. **The Chairperson:** Are members agreed?

Members indicated assent.

39. **The Chairperson:** We move on to the proposed timetable.

40. **The Committee Clerk:** Chair, that has now been brought forward by one week.

41. **The Chairperson:** Are members agreed on the proposed timetable?

Members indicated assent.

42. **The Chairperson:** In taking forward the review, I seek the Committee's agreement that Committee staff draft the proposed consultation options paper in line with the terms of the review agreed today. That will be considered by the Committee at its next meeting. Are members agreed?

Members indicated assent.

43. **The Chairperson:** There is no other business. Our next meeting is on Tuesday at the same time, same place.

7 February 2012

Members present for all or part of the proceedings:

Mr Pat Sheehan (Deputy Chairperson)
 Mr Roy Beggs
 Mr Gregory Campbell
 Mr Pat Doherty
 Mr Paul Givan
 Mr Simon Hamilton
 Mr Raymond McCartney
 Mr Conall McDevitt
 Mrs Sandra Overend

44. **The Deputy Chairperson:** We move on to the review of Parts III and IV of the Northern Ireland Act 1998 in the context of reviewing the size of the Assembly and the number of Departments. The purpose of this agenda item is for the Committee to consider and agree the wording of the revised terms of reference for its review, a detailed stakeholder list and a revised timetable for the review. Finally, the Committee will consider the first draft of a framework for a stakeholder call for evidence paper, which is tabled today. If any member does not have a copy of that to hand, there are some spare copies.
45. I propose to take each of those areas in turn and will ask the Committee Clerk to speak to the memo at tab 2 of today's papers, starting with the revised terms of reference at tab 3.
46. **The Committee Clerk:** Thank you. A revised draft terms of reference can be found at tab 3. It has been developed based on the Committee's discussions and decisions at its meeting on 31 January 2012.
47. Members will note that the draft reflects the agreed approach to the review, following the decision to include in the review:
- "the number of Northern Ireland departments and associated re-allocation of functions".*
48. The phased approach to the review is also reflected in the revised wording of the draft terms of reference. It will also be reflected when the Committee looks at the redraft of the timetable
- for the review in a few moments' time. The wording of the revised draft terms of reference is at tab 3 for members' consideration.
49. **The Deputy Chairperson:** Are members content with the revised terms of reference?
50. **Mr McCartney:** In relation to the final three bullet points, our party is looking to insert a section about being consistent with the safeguards around inclusivity, as under the Good Friday Agreement and St Andrews Agreement.
51. **The Deputy Chairperson:** Are members content with that?
52. **Mr Beggs:** I do not think that there is any question about that. Does that need to be explicitly mentioned? It is a given, considering that there is an understanding among everybody that that is how it operates. Do you need to say that which is in legislation?
53. **Mr McCartney:** In one sense, you are right, because we know that. However, it is about giving our terms of reference to other people beyond the Committee. The bullet point states:
- "the effectiveness of the Assembly in delivering its key functions is maintained".*
54. I think that we should have a clause about that being consistent with the safeguards around inclusivity.
55. **Mr Beggs:** Where exactly is that in the paper?
56. **Mr McCartney:** The final three bullet points under phase 1. It is on the page at tab 3.
57. **Mr McDevitt:** I wonder whether Raymond's concern could be dealt with, because it is a fair point, from the point of view that someone who is coming at it cold could read too much into it. It could mean that we get all sorts of responses back saying that we should move to voluntary coalition models, for instance, which is clearly not included. I cannot put my hand on it now, but I remember reading somewhere that we had taken an active decision to exclude certain

- things from the review. Given that those are decisions that we have already taken at Committee, to include in the first paragraph an explicit statement to say that this does not include a review of the current mandatory coalition model, and so on, might be a way of dealing with it.
58. **The Committee Clerk:** I remind members that, as stated in the minutes that were agreed a few moments ago, the Committee agreed that alternative electoral systems/models and the statutory basis for the current Committee system were the two items outside the scope of the review.
59. **Mr McDevitt:** At an earlier stage in our conversations, we did discount throwing this wide open, because there was not enough consensus. I know that Roy would probably like us to be able to do that, as would Gregory, I am sure. However, we discounted the idea of going back to the drawing board around the way we make up our government. We agreed, did we not, to focus on the questions of the number of Departments and the size of Assembly.
60. **Mr Campbell:** I was a bit confused when Raymond McCartney talked about the three bullet points, and, rather than clarifying it, Conall has exacerbated it. From what Raymond McCartney said, I thought that there was an attempt to give an overarching inclusivity; from what Conall said, I took it as being almost exclusivity, in that certain things are going to be ruled out.
61. **Mr McCartney:** Perhaps I could make it easier by suggesting that the first of the three bullet points might say:
- “The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity”.*
62. **Mr Campbell:** And where would you put that?
63. **Mr McCartney:** In the third bullet point — the first of my three — where the semicolon would become a coma.
64. **Mr Beggs:** I hope that we would all want inclusivity included, consistent with the —
65. **Mr McCartney:** One of the reasons why there were 12 Departments and so many MLAs was to ensure inclusivity, so you do not want people saying that we are ignoring the inclusivity part of it while making the place more effective. I think that you can combine the two.
66. **Mr Beggs:** I do not want to rule virtually anything in or anything out. The one thing that is factually correct and which no one can dispute is the fact that any change will require cross-community support, and, therein, there is protection for everybody. If we were simply to state that, it stops somebody coming up with a model that has no chance of getting cross-community support and, therefore, to a degree, wasting our time in discussing it in detail. I think that we should simply state upfront that any change will require cross-community support. To a certain extent, that deals with that issue as well, and it is factually correct.
67. **Mr Campbell:** I do not think that much turns on including the phrase. I think that it is almost self-evident that that is the case anyway. Regardless of whether stating it adds to it or draws attention to it in a way that somebody might ask why we were considering not doing it, I do not think that much turns on it.
68. **The Deputy Chairperson:** If that was a proposal —
69. **Mr McDevitt:** I am happy with Gregory's proposal.
70. **The Deputy Chairperson:** Agreed?
71. **Mr Beggs:** What have we agreed?
72. **Mr McDevitt:** To add a couple of words at the end of bullet point three.
73. **Mr McCartney:** “Consistent with the safeguards on inclusivity”.
74. **Mr Beggs:** The one issue that I have is that your interpretation of that and somebody else's could be different. But let that be. There will have to be inclusivity.

75. **Mr Campbell:** That could be the case with it not being in as well.
76. **Mr Beggs:** Yes.
77. **The Deputy Chairperson:** “Consistent with the safeguards on inclusivity”.
78. Are there any other questions?
79. **Mr Doherty:** I am just throwing this out, and we can talk about whether it needs to be included or not. We have the review of public administration (RPA). It may be that some functions that we currently hold here will be delegated to councils in their new format. Does that have an impact on what we are undertaking here?
80. **Mr Beggs:** Undoubtedly, it does. If the Department of the Environment was to lose the Planning Service, which I understand is destined to happen under RPA, that would have a major impact. Is that something that we need to specifically mention and to be aware of?
81. **The Deputy Chairperson:** Do we have a proposal?
82. **Mr Doherty:** It is not a proposal as such, but we certainly need to be aware of it as we proceed. However, do we need to put it into the terms of reference?
83. **Mr McDevitt:** Pat makes a very good point. However, there is a risk with putting it into the terms of reference, because we have not done the legislation on RPA. Therefore, we are asking people to be mindful of something that we, as a House, do not have a mind on yet. I think that we should encourage people privately to factor it in but that putting it in the terms of reference could be a bit of a hostage.
84. **The Committee Clerk:** The Committee agreed that there would be a wide range of stakeholders and all 26 councils are now stakeholders through NILGA. They could come back with RPA issues, but that ties in with the wider issue of the number of Departments in terms of devolving functions, etc. You will get what you will get as regards the views of local government and, no doubt, that could take in RPA.
85. **Mr Doherty:** As long as we are aware that it could have a knock-on effect.
86. **The Deputy Chairperson:** Are members content with that as it is? We will move on. Are you happy enough to move on?
87. **The Committee Clerk:** Yes, on the basis that that is the revised terms of reference agreed now with that wording included.
88. **The Deputy Chairperson:** Do members agree?
- Members indicated assent.*
89. **The Deputy Chairperson:** We move to the detailed stakeholder list at tab 4. Members will note that the stakeholder list includes some of the Clerks to the relevant Parliaments and Assemblies. If members are content, I propose that Trevor Reaney, the Clerk and Director General of the Assembly, also be included in the list.
- Members indicated assent.*
90. **The Committee Clerk:** Members will recall from last week that the stakeholder list was widened to include all political parties in Northern Ireland; the First Minister and deputy First Minister, their Department and its Committee; selected constitutional experts; and the Clerks to a number of Parliaments and Assemblies. The others included NILGA; the chief administrative officers of the 26 local councils; and Platform for Change, an organisation that contacted the Committee and wished to be included. Furthermore, the Committee agreed that there would be some form of public notice to encourage wider responses to the review.
91. Members will see a summary of the list at tab 4. A total of about 87 stakeholders will be written to directly by the Committee and asked for their views. There is a list of some 40 registered parties at tab 4a; the list of constitutional experts considered by the Committee last week; the list of the Clerks to the Parliaments and Assemblies; and, finally, the list of the

26 councils and NILGA. That is a total of 87 stakeholders, if I have my count right.

92. **The Deputy Chairperson:** Are members content with the detail of the stakeholder list?

Members indicated assent.

93. **The Deputy Chairperson:** We move to the revised phased timetable for the review, which is at tab 5. I ask the Clerk to speak on that.

94. **The Committee Clerk:** The proposed timetable for the review has been revised to take into account the wider scope of the review's terms of reference that were agreed at last week's meeting, and the phased approach. It is set out at tab 5 in three phases. In mid-February, the plan is that the Committee will begin evidence gathering for the review. That would continue right up to Easter. After Easter, we would move into phase 2 of the review, the consideration of and preparation of a report on the number of MLAs in the Assembly. The plan is that the report would be ready to be signed off by the Committee and be presented to the Assembly towards the end of May or early June. There may be a plenary debate in June, before summer recess.

95. The evidence gathering for phase 3 of the report would commence mid-February, but the consideration of that evidence as a discrete area — the number of Departments — would start immediately after summer recess in September and go through to report stage at the end of October. That is the revised timetable.

96. **The Deputy Chairperson:** Are members content with that?

Members indicated assent.

97. **The Deputy Chairperson:** Finally, members, we move to the draft framework for the stakeholder call-for-evidence paper. I ask the Clerk to speak on that.

98. **The Committee Clerk:** I apologise because the aim was to get this paper to members yesterday evening, but

we did not manage that. We were still doing some thinking on it late yesterday evening. This is, first of all, a call-for-evidence paper. The Committee is not making proposals in relation to the size of the Assembly, or, indeed, the number of Departments, but asking for stakeholder views. We have retitled it as a stakeholder call-for-evidence paper, rather than a consultation paper.

99. I will talk members through the paper. The introduction includes the niceties that the Committee is well familiar with in terms of the powers, the proposal from the Secretary of State on the opportunity for a Bill that could change the Northern Ireland Act 1998 through Westminster, and the terms of reference for the review, subject to the amendment agreed earlier. It also highlights matters outside the scope of the review, as was mentioned earlier. Pages 4, 5, and 6 are background notes. Those are primarily to inform stakeholders of the factual position and the legislative position on the issues that are subject to the review. Many of them are drawn from research papers that have been presented to the Committee. That has been drafted as a factual document to inform stakeholders.

100. The five areas of the review have been mentioned. Those are repeated from the terms of reference on pages 7 to 11. The interesting point for members in terms of new material is the inclusion of the questions to be put to stakeholders in the call-for-evidence paper. There are two or three questions on each area. In preparing the draft, every effort was made to ensure that they were not leading questions but that they reflect discussions by the Committee to date on the two subjects and that they are open-ended questions to seek the views of stakeholders. At the end of the day, the job of the Committee is to analyse, consider and make recommendations from this exercise, so there is a need for some kind of structure to tease out the issues in discrete units, as such. The questions have been drafted as best we can, but it is a work in progress. The intention is, subject to members'

- agreement, to bring it back to the Committee in completed form next week to finalise the call-for-evidence paper. Members may want to focus on the questions.
101. **The Deputy Chairperson:** Are members content with the draft paper? Are there any points or questions?
102. **Mr McDevitt:** I am just getting first sight of it, obviously. I think that question 2 probably needs a little more reflection. From the way in which we are asking it at the moment, applying the man-from-Mars rule, you would think that we were asking people what they think will be the impact of the consequential change in Westminster. Then, in the second bit of the question, I know what we are trying to ask, but I do not think it is sufficiently clear yet. We are going to have to think about the wording. I presume that what we are trying to ask is: do you think we should go even further beyond that, and, if so, how far? I think that is what we are trying to find out, otherwise you will get a lot of responses about whether people like or do not like an Assembly of 96 Members. That suits me, because that is my negotiating position, but I do not think it is the objective of the exercise.
103. My other question is about the background paper. I am sorry, John, for not having the chance to read it in detail, but do we give people the total background about the consequence of remaining coupled? In other words, do we make it clear that Assemblies could go up or down in the future?
104. **The Committee Clerk:** There is an attempt at page 4 to reflect the Act that, if implemented, would bring the total membership of the Assembly to 96.
105. **Mr McDevitt:** Yes.
106. **The Committee Clerk:** There is the comparison with how the Welsh and Scottish dealt with that.
107. **Mr McDevitt:** Given what is in the research papers, under the heading of the Parliamentary Voting System and Constituencies Act 2011, I see that you point out that that is what will happen. I think that we need to issue a disclaimer, which research validated for us, that if there were a change in the number of registered people in England, for example, the number of constituencies in the North of Ireland could go back up. Therefore, the size of Assembly size could increase if we were to stick with the coupled model. I think that the assumption out there is that it is one-way traffic — that it can only ever go down — which is not true, as we have established.
108. **The Committee Clerk:** Yes.
109. **Mr Campbell:** I suspect that there will be a range of responses from political parties and movements, but I suspect that they will, presumably, know the implications of what we are talking about. In all probability, the wider stakeholders will know as well. However, if stakeholders are like the rest of us, this will probably be skimmed through and they will go straight to the nub of it. The question is whether there is merit in spelling out more elaborately the current 18 constituency/six Member system; the change at Westminster, which would lead to 16 by six; or whether there is a wish to go further. To go beyond that — for example, 16 by five, equalling 80 Members — creates the difficulty of leading questions, rather than leaving it open for a response. However, you might have to be a bit more specific because I think that the tendency will be, as most of us do, to scan through something that we know vaguely about and go to the nub of it, rather than go through the intro. I think that we might have to spell that out a bit more.
110. **Mrs Overend:** I get what Gregory is saying, but I wonder whether it would be easier to number this a bit better and state, “please refer to”, to reach the full detail, rather than saying things twice.
111. **Mr Campbell:** Yes. Although, even in the intro, it does not spell it out in those terms. The parliamentary voting system tells us how many constituencies there are — so that is reduced by 50 down to 600 throughout the UK, and in Northern Ireland that is a move from 18 to 16.

However, the obvious consequential is not there, namely that, at the moment, it is 18 by six — do we go to 16 by six or are there any implications for further reductions? They need to know the exact position if they go straight to the questions.

112. **Mr McDevitt:** It is important that we debate this. Linking that point with the question around decoupling, if a respondent is saying that they want to decouple, they could argue that they do not want a reduction at all because they would like to keep membership at 108. I do not think that we have quite framed the question in a way that means that answer is possible, if you know what I mean. It is really about making sure that everyone feels that they can give us their genuine opinion.
113. **The Committee Clerk:** Yes. The only point that I was making — and I did not do this in my summary or draw members' attention to it — is that the Committee has, of course, commissioned and received a number of research papers. Those will be linked to this, so the stakeholders can dig down into detailed research, which reflects the points that members have just been making. We can take those points and redraft this for consideration and final sign-off next week, if members are content.
114. **The Deputy Chairperson:** I seek the Committee's agreement that the Committee staff complete the drafting of the stakeholder call-for-evidence paper on the basis of today's Committee discussion and agreements, for consideration at the Committee's next meeting. Are members agreed?

Members indicated assent.

14 February 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
Mr Pat Sheehan (Deputy Chairperson)
Mr Roy Beggs
Mr Pat Doherty
Mr Paul Givan
Mr Raymond McCartney
Mrs Sandra Overend

115. **The Chairperson:** We move now to the review of Parts III and IV of the Northern Ireland Act 1998. The purpose of this agenda item is for the Committee to consider and agree the final wording of the revised terms of reference for its review, the revised stakeholder call for evidence paper and a signposting advertisement for the review. I propose to take each of those areas in turn. I will ask the Committee Clerk to speak to the memo at tab 2 of today's pack, starting with the revised terms of reference at tab 3. Are members agreed? If so, I ask the Committee Clerk to speak to the revised terms of reference.

116. **The Committee Clerk:** At tab 3, we have the revised terms of reference based on the discussion and decisions taken at last week's Committee meeting on 7 February. The amendment made to the revised terms of reference reflects the Committee's decision to include the phrase "consistent with the safeguards on inclusivity" at bullet point (3). That was the only change.

117. **Mr Beggs:** We have lost our quorum, so we cannot take any decisions.

118. **The Chairperson:** Are members content that we talk through the next item and come back to the decisions? OK. Thank you.

119. We move to the revised stakeholder call for evidence paper at tab 4.

120. **The Committee Clerk:** There were a number of comments from members on

that last week, and I will summarise the changes.

121. There are a number of changes in the background notes, which start on page 5. There was a request to be more specific about the current number of MLAs, the current number of constituencies and the implications arising from the Parliamentary Voting System and Constituencies Act 2011. Those are reflected in paragraph 3.3, where the existing situation is set out — that is, of course, 18 Westminster constituencies and 108 Members. There is an additional line at the end of paragraph 3.5, which brings out the direct consequence of the Parliamentary Voting System and Constituencies Act 2011 as regards reducing the number of MLAs from 108 to 96.

122. The other addition — a point raised by a number of members last week — is at paragraph 3.6. It reflects the possibility of a reduction in the number of Westminster constituencies here if there were changes in the number of people registered to vote. Indeed, paragraph 3.6 could probably usefully include the words "to vote" after "registered", if members were content.

123. The other changes to the background notes at paragraph 3.7 — [Interruption.]

124. **Mr Beggs:** Chairman, will we not have to go through this again when we have a quorum? We cannot take a decision until there is a quorum; that is my understanding of what a quorum is.

125. **The Chairperson:** We can discuss the paper. We run the risk that we may have to go back over it for somebody.

126. **Mr Sheehan:** I am sure that Stephen will be able to persuade his colleagues to agree to it if they come in.

127. **The Chairperson:** If they come in — that is the problem.

128. **Mr Beggs:** We will, at the very least, need to go through it again quickly.

129. **The Chairperson:** We will suspend the meeting for a few moments.

Committee suspended.

On resuming —

130. **The Chairperson:** Members, we are now quorate again. We will go back to the revised terms of reference. Members have them in their papers.

131. **The Committee Clerk:** The only change relates to a point that was raised at last week's meeting. The third bullet point in phase 1 contains the phrase "consistent with the safeguards on inclusivity". There are no other changes to the terms of reference.

132. **The Chairperson:** Are members content?

Members indicated assent.

133. **The Chairperson:** We move now to the revised stakeholder call for evidence paper.

134. **The Committee Clerk:** There have been a number of changes to that paper, and they reflect the points raised by Committee members at last week's meeting. As summarised in the note at tab 2, there is more specific reference to the current number of MLAs, the number of constituencies and the implications of the Parliamentary Voting System and Constituencies Act 2011. I am referring to the background notes. On page 5 of the call for evidence paper, there is more background information on decoupling. Paragraph 3.24 on page 8 contains more information on the position with the Department for Employment and Learning. That is a factual account of the statement that came from the First Minister and deputy First Minister about that Department. At the end of the paper, there is a list of research papers that the Committee has received on the subject of its review.

135. Other points were raised about the questions that will be put to stakeholders in the call for evidence paper. In section 4 on page 10, there

is an additional question — the last question in that section — which relates to decoupling. It asks:

"how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?"

136. As members requested, there is some clarification and rewording of the questions on page 11, particularly the middle question about a further reduction in the 16-constituency scenario, which could arise from a decrease in the number of MLAs in each constituency. There is an additional question there, and there is a slight rewording of the third question on page 11.

137. The only other rewording from last week's draft is on page 14. The second question asks stakeholders:

"In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?"

138. Those are the only changes.

139. **The Chairperson:** Are members content with the revised stakeholder call for evidence paper?

Members indicated assent.

140. **The Chairperson:** We move now to the signposting advertisement.

141. **The Committee Clerk:** This is for the Committee's information and approval. It is part of the process, and it is how things are done now, with regard to economies and budget. A small ad will go in the three main local papers, perhaps later this week. It will contain a link to the Committee's website. Stakeholders who are interested in the subject and wish to give their views to the Committee can go on to the Committee's web page, pick up the call for evidence paper and respond in due course.

142. **Mr Doherty:** It may be contained in the link, but is there a requirement to put the date for completion of submissions in the advertisement?

143. **The Committee Clerk:** Yes. The completion of the review?
144. **Mr Doherty:** No, the completion of the submissions. It may be in the link, but does it need to be in the ad?
145. **The Committee Clerk:** It says “deadline” at the bottom, and I will be putting in 28 March 2012. That was only a pro forma as such. That is the process.
146. **The Chairperson:** Are members content with the signposting advertisement?

Members indicated assent.

147. **The Chairperson:** Are members content for Committee staff to make the appropriate arrangements to publish the advertisement in the three daily papers?

Members indicated assent.

148. **The Chairperson:** In taking the review forward, I seek Committee agreement that Committee staff publish the terms of reference on the Committee’s web page and issue the stakeholder call for evidence paper to the key stakeholders who were agreed at the meeting on 31 January. Although the deadline for written submissions on the call for evidence paper is 28 March, we hope that some key stakeholders may make their submissions before that date. I seek Committee agreement that, if any written submissions are received from key stakeholders before the Committee’s next meeting, Committee staff, in consultation with myself and the Deputy Chairman, write to members to advise them of the submissions and the stakeholders who might be invited to provide oral evidence at the next meeting or the following meeting.

149. Are members agreed?

Members indicated assent.

150. **The Chairperson:** There is no other business. The next meeting will take place on 28 February at 11.00 am in this room. Thank you for your co-operation.

28 February 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
Mr Roy Beggs
Mr Conall McDevitt
Mrs Sandra Overend

Witness:

Professor Rick Wilford *Queen's University
Belfast*

151. **The Chairperson:** I welcome Professor Rick Wilford and thank him for his attendance. I appreciate his patience today. I know that the meeting was originally scheduled to take place this morning, but we had to change the time. I ask that you go ahead and brief the Committee on your papers.

152. **Professor Rick Wilford (Queen's University Belfast):** Thank you, Mr Chairman. Good afternoon, everyone. As the Committee Clerk said, you have in front of you a summary paper and a longer stakeholder paper. I will be very brief, because I know that you are pushed for time. The summary paper addresses what I believe are the key points in relation to sections 4 and 5 of the stakeholder paper. I will cut to the chase on decoupling — the abandonment of coterminosity between the Westminster and Assembly constituencies — and say that I am very relaxed about it. On balance, I am disposed to decoupling. The major reason being that, now that Westminster has decided to review Westminster boundaries after every general election, there is the possibility that we could be revisiting the issue time and time again. My view is that, if we decide to decouple early during the course of this mandate, the Assembly would be able to plan for the future on a stable basis of 16 constituencies, which, as you know, is the current proposal. It was not part of the original institutional design for devolution to Northern Ireland, though that was

the case in Scotland and Wales. Had there not been decoupling in Scotland, the number of Members would have been reduced by 20 once Westminster decided to review the boundaries and reduce them significantly. The view in Edinburgh was that that was insupportable because it was not an effective use of the Scottish Parliament, particularly its Committees. Had it not happened in Wales, the size of the Assembly would have been reduced from the current membership of 60 to 45. The current proposal is a reduction to 30 constituencies. I think that life would have been made impossible for AMs in Cardiff and MSPs in Edinburgh had decoupling not taken place. I am pressing the stability argument mainly. On balance, I am disposed to decoupling.

153. The only real problems are what decoupling would mean for political parties in Northern Ireland, because I think that they would have to set about the business of rethinking their organisations at constituency levels. I think that is an issue. There is also the potential problem that electors might get a bit confused if there is a third set of boundaries: the district council boundaries under the new 11-council model; the Westminster constituencies, which could alter in the future; and the settled number of Assembly constituencies. The electorate already copes with different boundaries for district council, Westminster and Assembly elections, so I do not think that it would end up being confused or, if it is already confused, being even more confused should there be decoupling.

154. On the number of Members, I am disposed to 80, because I think that would be workable. Even if we reduced the number to 80, we would still have an Assembly that is a third larger than the National Assembly for Wales, which has 60 Members. Wales, which, of course,

- is my home country, has double our population. As an aside, let me just say how delighted I was that Wales that won the Triple Crown at the weekend. Eighty seems to be a workable number if the number of Departments is also reduced. As far as the Assembly is concerned, I think that eight Departments — eight seems to be the flavour of the month or even year — and eight Statutory Committees, with nine members each, is workable.
155. My last point in relation to section 4 of the stakeholder paper is that there is no perfect model for a Committee system. That is a particularly important point. I cannot point to an ideal type and say, “This is the optimal type of Committee system that you should emulate”. There are a number of factors that influence Committee effectiveness and, indeed, efficiency, one of which is workload management and the way in which that is mustered in each of the Statutory Committees. There is a kind of symbiotic relationship between what goes on in this place and the decisions that are made in the devolved Departments, particularly in respect of the legislative agenda, and one of the concerns is about the need for better planning of Executive legislation and better sequencing and scheduling of legislative business. That is essential. The situation that emerged in the Assembly towards the latter part of the last mandate in 2011 was that those in the Bill Office were running around like headless chickens; they are not headless, because they are terribly efficient people, but you take my point. There was an immense amount of legislative work that had to be done towards the latter stages of the last mandate. I think that that made life very difficult not just for the Bill Office but for the Committees. I, therefore, think that better phasing of the Executive’s legislative programme is important.
156. Committees can help themselves by engaging in many shorter inquiries and dropping the fashion for longer inquiries, which do have their place. However, I think that shorter, time-limited inquiries can have a more immediate effect on the Executive and the public. One of the things that we have to be very mindful of here is the outcome of the Assembly’s engagement survey, which reported a very high level of public disengagement with this place. One of the agencies that the general public and the electorate in Northern Ireland do not seem to know very much about is the Committees. I think that the Committees can make more of an impact by being smarter in respect of how they manage their agendas. I would be disposed to their having to engage in rather shorter, snappier inquiries.
157. Chairs of Statutory Committees should not sit on other Committees. Their energies should have a single focus. I would like the liaison group to be put on a statutory footing, as is the case for the Conveners Group in the Scottish Parliament and the Liaison Committee in the House of Commons. It would have a role to play if it were so established. It would also be useful to set aside Committee days for debates on the Floor. The Committees are now anchored in the plenary sessions. They could be more firmly anchored by setting aside a number of earmarked Committee days in an Assembly year.
158. I will now briefly go through section 5 of the stakeholder paper. There is no magic number of Departments or perfect model of Executive design. The favoured number seems to be eight; that is the number in the ether, as I understand it. There are three basic reasons for deciding how you organise an Executive: the economy and efficiency of Departments; policy effectiveness; and political advantage. Trying to balance those criteria in setting about the design of an Executive is tricky because those three reasons can, and often will in the real world, conflict.
159. Another problem in designing any Executive is how you avoid overlap between or among Departments. I actually do not think that can be done. Policies do not fall neatly into single departmental boxes; they invariably spill over into the remits of other

Departments. Therefore, a certain degree of administrative messiness is probably unavoidable. However, the perfect should not be the enemy of the good here. Thematic Departments could be taken into consideration in the redesigning. That has been done in Wales and Scotland, among other jurisdictions. It is a way of promoting, amongst other things, joined-upness between and among Departments.

160. However messy or not messy it might turn out to be, the issue of overlapping briefs, and how and by whom they are managed, is very important. For me, that means the Office of the First Minister and deputy First Minister (OFMDFM). It should have a strategic role, and it should be hollowed out to assist it in that role. The business of recruiting functions to OFMDFM back in the late autumn and winter of 1998-99 was just a mess basically. Things happened that were largely official driven. A lot of functions ended up in OFMDFM that could find a better home elsewhere across the Executive. It is an untidy office that should not be laden with as many functions as it has. It needs to step back and operate on a more strategic basis and to think clearly across government. That is where the administrative reorganisation needs to start.
161. There are two ways of going about the business of Executive reform. You can do it incrementally, bit by bit, step by step and piecemeal. I have an anxiety about it being done in an ex cathedra way. The decision or pronouncement on the Department for Employment and Learning suggests that it could be quite a bitty process rather than a holistic one. That concerns me a bit, particularly if it is a signal of things to come once the efficiency review panel is established and so on. The other way is to go for a whole government and much more integrated approach. The choice is really a matter for the Assembly and the Executive to work out how the process of rethinking how the organisation of the Assembly, its Committees and the Executive needs to be conducted.

However, it should be a process and it should be a joined-up process.

162. With all respect to members of this Committee and any Committee, you all need to think as Committee members and parliamentarians rather than as representatives of parties while sitting in this Committee. I would like to see a joined-up approach to the redesigning and for the Committee to look upon itself as a kind of critical friend of the efficiency review panel and the wider Executive in setting about the process. It is an incredibly important set of issues you are addressing about how this place works more effectively and more efficiently in conjunction with the Executive. Nothing could be more important than that axis between the Assembly and the Executive. It is crucially important, but it means behavioural change as much, perhaps, as it does structural reform of both. I would like the Committee to be a critical friend or partner in the exercise rather than dutifully clicking its heels and allowing its members to do what their Executive party members effectively tell them to do.
163. I should say, Mr Chairman, that I did both pieces at short notice and in some haste, but I was reminded when I was looking back over my summary of a remark made by the former Clerk of the House of Commons, Sir Barnett Cocks, when he spoke about the role of Committees. It was rather a jaundiced view. He was Clerk back in the 1970s and 1980s, I think, and he said:
- "A committee is a cul-de-sac down which ideas are lured and then quietly strangled."*
164. I hope that is not the case of whatever the outcome of this Committee's deliberations are. I will stop there.
165. **The Chairperson:** Thank you. Your submission states that, in a decoupled scenario:
- "Any variations in the electorate over time could perhaps be reflected by adjusting the number of seats in each constituency rather than redrawing the boundaries."*

166. How would that work? Do you mean adjusting the number of seats for all or just some constituencies? Is there a precedent for that in any other Parliament?
167. **Professor Wilford:** The answer to the last question is no.
168. It would work if you had stability in the number of constituencies; let us say there will be 16 for the foreseeable future. If there were to be population changes, for example, in those constituencies over time, the Assembly might want to take a view on whether it wanted to vary the number of Members across the constituency. You do not have the authority to change the electoral system or that sort of issue at the moment because that is a power reserved to Westminster, but if you felt that there was a case for reducing or increasing the number of Members in particular constituencies where, for example, there had been significant population growth, electoral growth or a reduction, you could take that view. I do not see that becoming an issue, probably until the next generation, but it is something that might be thought about some time in the future. It is not an issue that you need to think about at all in the short term.
169. **Mr Beggs:** Thank you for your presentation. Scotland and Wales decoupled in order to maintain the number of Members, while we want to reduce our number. To a certain extent, we are not under the same pressure of having to do it, but you seem to be saying that the advantage is stability. What difference would it make as to whether we lose one constituency? The Boundary Commission very nearly took us to having 15 constituencies rather than 16. What difference would it make to the Committee structure if there were four, five or six fewer Assembly Members? I do not think it makes a big difference.
170. **Professor Wilford:** I beg your pardon, but you have to think about it in the round. You should not think about this only in terms of its effects on the Assembly; I think you should think about its effect on the Assembly's effectiveness in scrutinising the Executive. If your number is reduced by four or five, but you still have the same number of Committees and so on, I think you might find it more difficult to manage. That depends on the extent to which, for example, you would be prepared to reduce the size of the Committees.
171. I am kind of conflicted about this issue, but the broad point is that, on balance, if you had 16 constituencies, you fixed on having 16 and were able to plan on the basis of having 16 with five Members in each constituency, you could think ahead. What you would not have to worry or be concerned about is whether there is going to be a further boundary redistribution in Northern Ireland in the wake of the next general election in 2015, because that might force us to think yet again. We might then have to seek to influence the Executive in becoming sensitive to the kind of concerns that this place would have about the effectiveness with which it then scrutinised the Executive. So, I think it would give you surety and continuity.
172. **Mr Beggs:** You spoke about stripping out and hollowing out the role of OFMDFM. What specific functions would you want to remove, and how does the role of the First Minister of Scotland or Wales differ?
173. **Professor Wilford:** Let me go back to what we had, which I mentioned in passing. It ended up with about two dozen functions. The decision for some of those was expressly political. For example, as you know, there was a suggestion in the Good Friday Agreement for an equality Department. That was something that, at that stage, neither the UUP nor the SDLP were prepared to countenance because they could not anticipate a Minister from the other tradition, as it were, holding that brief, so the equality unit ended up in OFMDFM as a political compromise. There were other issues. I interviewed Séamus Mallon and David Trimble a couple of years ago about how the process actually worked. It was largely left to the officials to think how they

might organise functions around what was now going to be 10 Departments. They had to think about how you divide, spread or redivide six amongst 10, effectively 11. It was a very clunky affair, and I do not think that there was any considered administrative reasoning about what went where. David Trimble told me, for example, that the Office of Law Reform ended up in the Department of Finance and Personnel because, by political nature, he did not believe in law reform anyway as a “small c” conservative, as was the case then. He just did not want it in OFMDFM, and they found a home for it in the Department of Finance and Personnel. There was quite a lot of that hotchpotch going around.

174. In my judgement, OFMDFM should start from the basis that it should be a strategic unit or office and it should think about policy in strategic and joined-up terms. It should start from that basis, rather than from the argument about which function it should retain and which it is prepared to see shuffled off to another Department. The latter is starting from the wrong end. It is asking an existential question: what is this office for and what should we be doing now? I suspect that one of the incumbents in OFMDFM is much more disposed to winnowing out the office than the other. In the latter case, I suspect that is because there is a political and electoral concern that the First and deputy First Minister are seen to be doing lots of things together that have policy and other effects within Northern Ireland. I am not saying that they should not be seen to be doing things. What I am suggesting is that maybe they should be seen to be doing fewer things and that the time that is thereby released by thinning out and pruning, if you like, the functions within the office would enable them to have more opportunity and space to think strategically and try to promote the ethic, or practice, rather, of joined-up government.
175. Joined-up government is not a panacea in itself. It kind of folded when it was attempted by the Blair Governments

because of what we academics call the besetting sin of departmentalism. Officials and Ministers tend, one way or another, to become incredibly turf conscious, very introverted and defensive. I think that, now that we are in a much different place than we were between 1998, 1999 and 2002, that should be taken advantage of and a rethink should be undertaken about how we could better design our Executive and, consequentially, how the Assembly could be better designed. I think that is a symbiotic relationship. I do not think it is one whereby the Assembly or its Committees should just trot dutifully in the wake of what the efficiency review panel ends up recommending. However, the space and the time are short for you to do that job.

176. **Mr McDevitt:** Rick, for clarity, would you prefer a decoupling to the existing 18 or to the new 16?
177. **Professor Wilford:** The latter.
178. **Mr McDevitt:** OK, so you envisage the 16 by five, which would take it to 80.
179. **Professor Wilford:** Yes.
180. **Mr McDevitt:** Will you give us some practical examples of the functions that could immediately be hollowed out from OFMDFM? In response to Roy's question, you referred to equality and a couple of other things, but will you list the matters that you consider would be better housed elsewhere?
181. **Professor Wilford:** The functions that OFMDFM discharges in relation to the economy should go to a reconfigured economic and finance department. That is where I would start. That would offer a more concerted and coherent approach, and let us face it, in Northern Ireland, it is a case of “it's the economy, stupid” is it not? I think that a single, co-ordinated department is needed to deal with economic issues. Splitting those functions across Departments does not actually help and can be a recipe for disputation. I am not a Pollyanna, Conall: I do not think that everything will be sweetness and light if what I have suggested were to be

- the case. However, concentrating those powers in one Department would help to create clarity. It would also give the First Minister and deputy First Minister the opportunity to step back and take a more strategic look.
182. There may also be an argument for taking out some of the gender-related issues from within and having a thematic Department that looks at the rights of discrete groups in the population. I think that would be another way forward. I wish I had a blueprint for you but I do not, because whatever design particular jurisdictions opt for will invariably and ultimately be an outcome of political bargaining.
183. I suggest that there is merit in thinking thematically. I know that it was looked at; in fact, Mark Durkan did so in 1998. At that stage, he was not persuaded, largely I think because of the uncertainties and the political difficulties that obtained at the time, rather than due to principled opposition. It may be that, now that they are bedded down in other devolved jurisdictions in the UK, we can draw lessons, positive and negative, from their experiences. I think that they have some merit. Therefore, I would be disposed towards looking for a rights-based Department that may also incorporate women's rights. That would give the issue the salience that it deserves.
184. **Mr McDevitt:** Would those be a series of Departments designed around specific aspects of regional need?
185. **Professor Wilford:** Indeed.
186. **Mr McDevitt:** OK. I am taken by your comments about this Committee, which is of course special, because it is one of the few that is mentioned in legislation and stuff. You talk about it as a "critical friend". Is it your view that the Committee needs to exercise a degree of status in relation to the Executive questions of institutional reform and the future direction of governance in this region?
187. **Professor Wilford:** I think that you pose that question as much to your fellow Committee members as to me, Conall.
188. **Mr McDevitt:** But many of them are absent.
189. **Professor Wilford:** I know. We are not even quorate here, are we?
190. **Mr McDevitt:** For the record?
191. **Mr Beggs:** We have a quorum for taking evidence.
192. **Professor Wilford:** Do we? OK.
193. I think that the Committee should be a critical friend. I think that it should take this job seriously. I think that it should do that in partnership with the efficiency review panel. At a function here last Thursday evening, I asked the deputy First Minister what was happening, and it did not seem clear to me that very much was happening. That gives me pause for concern, because I suspect that the Committee and the Assembly could, in effect, be presented with a fait accompli — rather like the Department for Employment and Learning was — in which case this will not be a concerted, integrated, properly joined-up exercise. Therefore, I think that the Assembly and Executive Review Committee should assert itself. It is a Committee of the Assembly, and the Assembly has an embedded interest in the outcome of this process, and I think it should be unabashed about making its views known and making it clear that you are not just, as it were, the handmaiden of the efficiency review panel. If you can agree a set of recommendations that give the Executive pause for thought, all the better.
194. **Mr McDevitt:** Finally, I wish to make an observation on the Chair's question in the context of decoupled constituencies? Have you had any alternative to referring it to the Boundary Commission every time the population shifts? Of course, south of the border, they drop a seat, so a four-seater could become a three-seater, or a five-seater could go down to a four-seater. Therefore, they always have two options. It is like a double calibration mechanism. There are reasons why we would not want to break the equality of representation rule, but is there a

scenario where you could have a double calibrated opportunity?

195. **Professor Wilford:** Yes, absolutely. You could vary it along those lines.
196. **The Chairperson:** Finally, you referred to the Sainte-Laguë formula as an alternative to d'Hondt. Will you expand on that?
197. **Professor Wilford:** It is an alternative method of trying to achieve proportionality. As you know, the divisor for d'Hondt is 1, 2, 3, 4, 5, 6 — it goes up arithmetically. However, Sainte-Laguë goes up 1, 3, 5, 7, 9, so you increase the divisor. One effect of that is that it hits the bigger parties earlier and leaves room towards the end of whatever the process is going to be for the smaller parties. There is a modified version where the divisor you begin with is not one but 1.4. Therefore, it has an even greater effect on the larger parties. It is an alternative to d'Hondt as a means of trying to secure proportional allocation of Chairs or seats on Committees or whatever it might be.
198. **The Chairperson:** OK. Thank you very much for your attendance today, Professor Wilford.
199. **Professor Wilford:** It is a pleasure.

13 March 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
 Mr Pat Sheehan (Deputy Chairperson)
 Mr Roy Beggs
 Mr Gregory Campbell
 Mr Stewart Dickson
 Mr Pat Doherty
 Mr Simon Hamilton
 Mr Raymond McCartney
 Mr Conall McDevitt

Witnesses:

Mr Derek McCallan	<i>Northern</i>
Councillor Evelyne Robinson	<i>Ireland Local Government Association</i>

200. **The Chairperson:** I invite Derek McCallan and Councillor Evelyne Robinson to the table. Derek is the chief executive of the Northern Ireland Local Government Association (NILGA) and Councillor Evelyne Robinson is its president. You are both very welcome to this morning's meeting. I invite you to brief the Committee.

201. **Councillor Evelyne Robinson (Northern Ireland Local Government Association):** Thank you very much, Mr Chairman, Committee members and officers. I am very pleased, as NILGA's president, to be here this morning to give evidence, together with the association's chief executive, Mr Derek McCallan.

202. We have offered in advance a detailed written submission after your request for evidence. I trust that that will combine with our oral evidence this morning to do precisely what NILGA and, I believe, the Assembly collectively seek to do — to inform, to be informed, to listen, to be listened to, to share knowledge, to constructively criticise and to offer partnership solutions that are not driven by the institutions in which we are employed, but by the customers, the taxpayers, the ratepayers and the

constituents who require the services and who hold us to account.

203. First, we commend the review. It is timely. It forms part of the Programme for Government and is, indeed, a target within it. NILGA's political leaders — the representatives of the five political parties — came together specifically to look at this review of the Assembly and the Departments. We hope to gain further comment and corporate approval from our executive and full membership on 23 March.

204. We have been thorough and systematic, yet innovative, in our approach. We believe that the outcomes of the review should be similarly forward-thinking, robust and perhaps even radical. Why? As we said in our main submission:

"The instigation of integration, collaboration, co-operation, innovation, improvement, and efficiency practices embedded in the evolving Assembly, as deployed by councils informally for many years and formally since late 2011, in order to manage performance and continuously improve the institutions / services in question thus ensuring a value for money ethos at the core of all that is carried out (whether MLA, official, service provider or outsourced body)."

205. It will all require a cultural change, not a reorganisation. NILGA asserts that now is the time to transform how we do all business in the public sector. I will now ask the chief executive to speak to you.

206. **Mr Derek McCallan (Northern Ireland Local Government Association):** Thank you again, Chairman, for the opportunity to provide oral evidence. As many representatives are aware, NILGA is the representative body for local government here in Northern Ireland, with 26 member councils. Like other associations, we aim to be an axis between central and local government, offering improvement, investment and development products to the sector and improving the practical and policy

- relationships for both elements of government.
207. On the review itself, NILGA's submission deliberately strays from the script. NILGA will not offer you a mechanical comment on size and numbers, just as we have not gone for an ideal number of councils in respect of the review of public administration. We believe that form should always follow function, and, if the function is not absolutely clear, we have subjectivity and small "p" politics of administration creeping into decision-making.
208. I understand from some of the earlier comments of the Committee that you have a low tolerance level for inertia and indecision, and that you want things done. Let us look at the mission-critical elements of what NILGA has to say and has to offer, not just today, but for this electoral period within the Programme for Government. We suggest that the review is not managerial. We suggest that it is whole system in its approach, inclusive of the representation and devolution throughout the UK and inclusive of the role of local government, moving away from a "less is better" sterile debate. How do you do that? In our respectful view, you look at the two tiers of political representation in respect of devolution and below — MLAs and councillors. The table on page 11 of our main submission, which has been provided to Committee members, looks at the Scottish, Welsh and Northern Ireland levels of representation between the two tiers that I referred to.
209. Again, respectfully, we suggest that you look at the three tiers of public service delivery in Northern Ireland: the Departments and agencies, the councils, and the private sector and the social economy, as referred to in page 13 of our submission. Again, we suggest that the review is whole system in its approach, not managerial or functional.
210. In terms of representation, we acknowledge those two tiers. We have around three times as many MLAs per 100,000 citizens compared with Wales or Scotland, but that is not a criticism.
- It reflects the representative role and the scrutiny and functional roles of the Northern Ireland Assembly. We have five councillors per 100,000 people, compared to fewer than seven in Wales and just fewer than four in Scotland. We need to look at that in the round. It cannot be a managerial, functional review, in our respectful opinion.
211. What is critical is that it is not just the numbers; it is the democratic scrutiny role of you, as elected members, and what your Departments and portfolios do. NILGA believes that there is sufficient political capacity at local level, benchmarked against Scotland and Wales, which is not being utilised.
212. As you know, in Wales, there are fewer AMs because local government fulfils more functions. NILGA realises that the review is primarily about the Assembly and Departments, but we have suggested, again respectfully, the question of how many MLAs and Departments is only two dimensions of a three-dimensional issue. The nub of the matter remains democratic representation and best methods of public service delivery wherever we are in the public service or tiers of government. We feel, as, no doubt, you do, that numbers are part of the menu, but they are not the means to the end.
213. We also assert that having established stable government, subsequent to devolution, we should logically and sequentially have greater subsidiarity; in other words, move dynamically to what should be delivered regionally and locally, benchmarked against what local services are delivered in jurisdictions a few short miles away, in the Republic of Ireland and Scotland to give two examples. We feel that that should be part of the review, but we are also very conscious of the mechanics of such a review, and we respectfully suggest that the focus of it should be on the whole system.
214. I also do not believe that our association is going to offer criticism for criticism's sake. No; we can help. We want to be part of the solution, having

ourselves a vision for local government that is rooted in innovation, increased competencies, modern investment, increased integration, credibility and confidence. Northern Ireland, we believe, needs its own unique form of localism, not a version that suits an academic, Mr David Cameron, or a Whitehall mandarin. Therefore, the absence of a delivery plan for localism in Northern Ireland is a gap that we can fill and which should be associated with the substance of this review.

215. Mr Chairman, as requested, we have provided you with a five-point summary of our response, which covers the statutory link between Westminster and the Northern Ireland constituencies. Again, we are asking for that to be looked at with a view not to today but to the next electoral period, 2015, when 11 councils will energetically emerge. Again, we respectfully suggest that we have covered the fact that good business and democratic scrutiny must bring into focus the ability of 96 or potentially fewer MLAs to be excellent constituency and corporate Members, which you are and can continue to be, provided that you are not over-bureaucratised, dying in sea of attendance and meeting requests, PowerPoints and back-office officialdom.
216. We know that we need institutions, Mr Chairman. We are simply saying that the institutions are a means to an end, not an end in themselves, and we assert the need for an inclusive, representative and functional Assembly and believe that your representativeness and inclusivity would be served by reducing the ratio of service provision between Assembly and councils, as we say in our submission. We would be content to commit constructively and impartially to an evidence-based discussion with the Assembly and Executive Review Committee on how to achieve a win-win in that regard.
217. We believe that our summary hopefully also covers the issues of looking at options for how to reduce the number of Departments. We believe that the number of Departments will, inevitably,

be reduced, and we have covered how they can function differently, perhaps on a cross-cutting basis and on the platform given by the Programme for Government itself and its 10 key platform elements, rather than Departments servicing one Minister. We put those options up for consideration, because we are also a protocol organisation and our executive and full members have to approve it. However, we were asked to provide interim evidence, and we hope that we have done so.

218. Mr Chairman, we will not stick our heads in the sand on this issue. We have offered that Programme for Government/departmental menu in our submission. I will not read the detail out, because you would not want me to and time does not permit, but I hope that that menu whets your appetite.
219. Our interim evidence may well be the first cut of a delivery relationship that we seek with you. As befits any transformation, you need evidence, resources, partners, solutions and sustainable outcomes, which are timetabled, again noting the urgency of the Committee in earlier comments, plus a task-and-finish approach from day one. We can contribute to all of those. We acknowledge the access that we have to devolved Assemblies, to our Local Government Association (LGA) partners in the UK and the Republic of Ireland, as well as regimes in places such as the Netherlands, where 85% of the public purse is outsourced. However, I do not propose that we go Dutch. If we do not look after the customer, the customer will, of course, find someone else to look after them. NILGA is looking at how we do business as a client of councils, and this review, we respectfully suggest, can be equally customer-facing. We would like to help if possible. Our president will conclude.
220. **Councillor E Robinson:** To conclude, Mr Chairman, I commend the Committee for seeking such an inclusive review as your call-for-evidence paper suggests. NILGA believes that a whole-system approach to the review gives a once-in-

- a-generation opportunity to recast our representation and our public service provision, together with the mechanisms that purport to deliver them. It is because of the real opportunity that we have as a representative development body for councils and as the voice of local government that we offer interim evidence today. Let me add that we hope to be back, not in this format perhaps, but as review delivery partners and also through our call for local government representation on a new, cross-departmental Executive co-ordinated partnership forum, for which we have high hopes in terms of designing legislation, service modelling, negotiated transfers of functions and resources, fiscal planning and sustainable delivery of all of the public services that are democratically scrutinised by you the MLAs, and by councillors. That is not necessarily a panacea. Joined-up, impressive, two-tier, effective government is NILGA's 20/20 vision. We will endeavour to answer your questions, and thank you again.
221. **The Chairperson:** I thank you both for presenting to members. At the outset, I had better declare that I am a member of Craigavon Borough Council. Do any other members want to declare an interest?
222. **Mr Dickson:** Yes; I am a member of Carrickfergus Borough Council.
223. **The Chairperson:** Thank you. I am going to open it up to members in a moment, but can I first ask you a question in relation to decoupling? It seems from your submission that a primary concern is that if Northern Ireland were to decouple from Westminster constituency boundaries it would be an added layer of complexity to the existing arrangements. You highlight a potential alternative to align the Assembly to the 11 new council boundaries. Can you elaborate on the advantages of such an alignment for members of both elected bodies?
224. **Mr McCallan:** I suppose the options we provided, although they still have to be developed fully, are simply to allow that constructive "what if?"
- alternative methods are there. We see in other jurisdictions the link between the MSP, the councillor and then the wider Westminster role. We are simply putting that up for debate, mindful that the review calls for evidence. We are not wedded to a particular philosophy. We are simply saying that the present system and decoupling have to be looked at to best suit not so much the politician or agencies but those who vote for us all, and that linear look at the different tiers of government. We do not have a particular firm policy but we believe that it should be looked at, as was done in other devolved Assemblies prior to the decoupling elsewhere.
225. **The Chairperson:** If the alignment were to be between the Assembly and the new councils, have you any thought around the numbers?
226. **Mr McCallan:** In terms of numbers of —
227. **The Chairperson:** Of Members of the Assembly: six per constituency at the moment.
228. **Mr McCallan:** Comments have been made about having slightly fewer than that. You cannot have four-and-a-half representatives, but four or five. The point we were making in our detailed submission is that the Assembly will settle on just how democratically representative you need to be as a number of MLAs, because we know that the 96 could potentially be reduced further. Wales and Scotland have two to two-and-a-half Members of the devolved Assembly per 100,000. Here, there is almost three times that.
229. We are not saying that you need to get down to Wales and Scotland levels. What we are saying is: look at the role of the elected Member, which you know better than us or anyone. Decide on a minimum number and then you start looking at the number per district electoral area with regard to boundaries and constituencies. What is it that you want to do? In business analogy, you will not hire 12 staff unless you are absolutely sure that there is a market and product.

230. **Mr McDevitt:** I thank NILGA colleagues for their presentation. I am curious about a couple of things you raised. You kind of offered a nine-departmental model. I suppose I should not read that as you favouring nine Departments but as you arguing that we should design Departments around need rather than a predetermined number. Is that a fair observation?
231. **Mr McCallan:** Yes. I know it is a cliché but it is really about being totally customer facing. There is a constituent appetite for service being the primary thing. We are saying that, again looking at models elsewhere, you can look at a family of services and at the Programme for Government, as is the case in Wales.
232. We are also offering options on the role of junior Ministers and cross-cutting services so that you are serving not the institution or the silo that creates it, but the customer. There is, of course, a difference between a political institution and a business, but the political institution and a contemporary businesslike approach to its delivery of services warrants enlightened debate.
233. **Mr McDevitt:** On page 12, you talk about a new burdens doctrine such as that which exists in England. Could you explain to us, because it is new concept for this Committee, what that is and how it can potentially work here in Northern Ireland?
234. **Mr McCallan:** The new burdens doctrine exists as a platform for central and local government to develop their services, and the associated transfer of functions up and down that central/local tree. There is quite a simple two-page template that states that if you are proposing to offer, for example, welfare of animals from a given Department to a different entity, you do so by legislating for it, implementing a partnership on design and delivery cost, making sure that all the checks and balances are in place, and then develop that through your regional and local government and, in the case of Whitehall, central government. In other words, you anticipate the service plan before you transfer it.
235. That new burdens doctrine does not exist here, and we feel that there is an unhealthy tension between the two tiers of government and, perhaps, an unfair criticism on one side or the other that we do not want functions and the Assembly does not want to give up functions. I do not think that that is the issue. I think that if you have a proper protocol and a dynamic task-and-finish approach to that, you will basically serve the customer, not either institution.
236. **Mr Campbell:** I just want to seek clarification on an issue that you raised, Chairman, about the issue of size. I understand, given the political complexity of NILGA, the difficulties that that presents for the organisation. In the first paragraph of the response summary — it is in the first paragraph rather than in the second — you say that reduction:
- “could also impact negatively on the involvement of smaller parties in the Assembly’s mechanisms.”*
237. Is that a reference to the internal working of the Assembly after the election or to smaller parties’ involvement in respect of getting elected in the first place?
238. **Mr McCallan:** It is not about getting elected, in my view. It is about when a mandate is offered through the ballot box. The 10 principles of public life look at inclusivity, and all our party leaders and our president, Mrs Robinson, were looking at the need for inclusivity so that there is not a left-out approach. However, it would be after the decision is taken by the electorate. I hope that that gives some clarity.
239. **Mr Campbell:** I assume that the linkage with the Westminster number will remain and the number of constituencies will go down from 18 to 16. Forget about the reduction of six Members that you go into in the second paragraph. I am trying to get my head around how going down to 16 would impact on smaller parties

- in the mechanism of the Assembly after the election is over.
240. **Mr McCallan:** In developing our evidence, we understand that the most important principle of representation and the involvement of all who are elected is inclusivity. How that is managed is a difficult point, but, when developing our evidence, we will be happy to provide a more substantial definition of that. At the moment, all we are saying, mindful that we had a short period of time to prepare all this, is that alignment with the Westminster boundaries will have the effect of reducing the number of MLAs, as we know. That may find some public support but could also impact negatively on the involvement of smaller parties in the Assembly's mechanisms. We need to develop that point and explain it more fully, but I am certainly looking at it from the point of view of after the ballot box and that, when you are in, inclusivity is key.
241. **Mr Campbell:** That is really what I was trying to get at. So, in shorthand, that reference is simply a plea for the continuation of inclusivity, whatever the size?
242. **Mr McCallan:** Yes. Our president may wish to comment, but when the five political leaders got together at very short notice a couple of weekends ago and we were looking at this, there was a sector response to that, rather than a party response. Would that be right?
243. **Councillor E Robinson:** Yes. We were certainly coming from a local government point of view and we were also aware that a reduction in numbers could perhaps skew the overall representation. That was something that we were concerned about. We felt that the inclusivity within a smaller number would have to be very effectively maintained, and that room for that within the mechanisms of the Assembly workings would have to be given very close scrutiny and examination.
244. **Mr Beggs:** Thank you both for your evidence. I notice that, on page 2 of the written document you provided, the interim evidence that is presented is not yet corporately approved. Will you clarify what level of approval this document has within NILGA?
245. **Councillor E Robinson:** The document was looked at by the office bearers. The time schedule that you gave us did not permit us to put it to either the executive or the full membership, because your dates preclude ours. Our executive does not meet until Friday. That was why all five office bearers who represent the five political parties and the officers detailed it. The final version has had scrutiny and negotiation, and it is the final output of the five officer bearers, who represent the political parties.
246. **Mr Beggs:** Thank you. Going back to the idea of a family of services linked to the Programme for Government, which you seem to be advocating to a degree, will you advise us of what evidence there is of that structure working effectively and, for it to be adopted in Northern Ireland, working effectively in a coalition situation? Is there evidence of that elsewhere?
247. **Mr McCallan:** There is in Wales. There are cross-cutting Ministers and junior Ministers transcending particular Departments and looking at a family of services. For example, that is the case with the Department for Environment, Food and Rural Affairs (DEFRA) and in areas like local government and the European Union, where you are not looking at a particular departmental portfolio but at a service one, as referred to by a previous member.
248. I also want to make the point for the record that the chair of the Society of Local Authority Chief Executives (SOLACE) has also affirmed the interim evidence, believing as he does that it is a very compelling review that requires proper comment. To get back to your question on the family of services approach, I see the Programme for Government as a corporate plan and, in order to be delivered, that corporate plan must have versatility rather than

institutions dictating the line of travel. If you look at Europe, local government and communities, those three come together, as is the case in Wales, and there is a portfolio that cuts across Ministers.

249. **Mr Beggs:** Are you advocating it in certain areas, or for the complete current departmental structure?
250. **Mr McCallan:** I suppose that, in order to take a whole-system approach, you need to look at certain areas, particularly areas such as regeneration. I do not think it is a sensible use of service and resources if you have, for example, a social investment fund from a Department of £80 million, DSD and councils, and the third sector, if I may call it that, drawing down grant aid from DARD to look at things where area plans, consultation, officer involvement and budgets do not complement but collide.
251. It is important to be very opportunistic, in a positive sense, so you look at some of the areas where there can be reform, not rationalisation, where you are not changing bits of the jigsaw but are actually changing the whole canvas. Regeneration, urban development and rural development are examples that, hopefully, provide an illustration.
252. **The Chairperson:** I do not see any indication of further questions. Thank you for coming before us this morning.
253. **Mr McCallan:** Thank you very much.
254. **Councillor E Robinson:** Thank you very much.

20 March 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
 Mr Pat Sheehan (Deputy Chairperson)
 Mr Roy Beggs
 Mr Gregory Campbell
 Mr Pat Doherty
 Mr Simon Hamilton
 Mr Raymond McCartney
 Mr Conall McDevitt
 Mrs Sandra Overend

Witnesses:

Mr Trevor Reaney	<i>Northern Ireland</i>
Mr John Stewart	<i>Assembly Secretariat</i>

255. **The Chairperson:** Members, for this oral evidence session, we have Mr Trevor Reaney, who is Clerk to the Assembly/ Director General of the Northern Ireland Assembly, and Mr John Stewart, who is director of clerking and reporting. I propose to ask the Committee Clerk to speak to his memo and to highlight the papers for this session.
256. **The Committee Clerk:** Mr Reaney has provided the Committee with a detailed response to its review. It includes a cover letter and Mr Reaney's specific views on some of the key issues in the Committee's call for evidence paper. His views start at page 11 and run through to page 19.
257. **The Chairperson:** If members are content, we will ask Mr Reaney and Mr Stewart to join the meeting. You are both very welcome. Neither of you is a stranger to anyone here. When you are ready, feel free to begin.
258. **Mr Trevor Reaney (Northern Ireland Assembly Secretariat):** Thank you very much for the opportunity to make a submission to the Committee's review and to address the issues contained in it. I should say at the outset that decisions on the size and structure of the Assembly are for politicians to make as part of the democratic process.

However, as professional parliamentary staff, I hope that we can make a contribution to your deliberations.

259. I do not propose to rehearse the detail of my submission, but I wish to highlight a few issues and make a few general points. My first general comment is on the importance, when considering matters of strategic significance such as those faced by the Committee, of focusing on opportunities to improve our democratic and governing institutions. In my view, it would be wrong if cynicism and scepticism about political institutions, Governments and politicians were the drivers for how we design and reform our institutions, and it would be wrong if cutting the cost of government were a primary focus.
260. I have no doubt about the value of these institutions or the role that they have played and continue to play in creating a peaceful, prosperous and stable society. I am sure that they can be improved and that efficiencies can be made in the current economic climate. However, it is vital that as we change and reform our institutions, a focus is retained on the critical role that they play in generating opportunities for economic development, creating employment, ensuring efficient and effective public services, and promoting and protecting the health, safety and well-being of all the people of Northern Ireland.
261. Politics, politicians and democratic institutions are the vehicle through which we make collective decisions and govern our society. Too often, the benefits of the political system are lost in the cynical and, at times, uninformed opinions that seem to predominate in public comment and debate. Therefore, I am pleased that some have recently spoken in defence of the political system. They include the director of the Institute for Government, Peter Riddell, whose recently published book

- is entitled 'In Defence of Politicians (In Spite of Themselves)' and Professor Matthew Flinders of Sheffield University, whose book 'Defending Politics' will be published next month. More of those voices need to be heard in this debate.
262. **Mr Campbell:** I take it that it will not be a bestseller.
263. **Mr Reaney:** That remains to be seen.
264. In relation to the specific questions posed by the Committee, I am of the opinion that the main implication of the Parliamentary Voting System and Constituencies Act 2011 and any further reduction in the number of MLAs will be a reduction in the amount of Member time available to undertake parliamentary functions. Unless changes are made to Assembly structures and processes that maximise the contributions that Members make to key parliamentary roles and enable Members' time to be used to the greatest effect, that is likely to reduce the capacity of the Assembly and its Members to deliver the full range of functions of the Assembly. That is likely to require significant reform of our current arrangements and careful consideration by Members of how they balance their various roles and prioritise the work that they undertake.
265. The size of the Assembly is only one of many factors that should be taken into account in determining whether the role and functions of the Assembly can be delivered effectively. Other such factors include the power of the Assembly and this Committee; the representativeness of the Committee system; the operation of parliamentary procedures; the resources available to the legislature; and the relationship between the Assembly and the Executive. Additionally, a range of organisational and management issues will impact on performance.
266. Another factor that should be considered in deciding the size of the Assembly is the wide scope of matters devolved to the Assembly and the Executive. Following the devolution of policing and justice, the Assembly is responsible for considering a full range of devolved matters. That will be unaffected by any decision on the number of Departments but it may be affected by other ongoing discussions about the further devolution of powers, such as taxation. It is, perhaps, unlikely that there is any obvious optimal size for the Assembly. So the judgement of the Committee is likely to involve ensuring that the combination of solutions that it proposes for the number of Members, how the Assembly organises itself, the procedures and systems that it adopts and the resources and expertise available to support Members, will enhance and support effectiveness.
267. I want to turn to the issues of litigating and the impact that reducing the number of MLAs will have on the effectiveness of the Assembly in delivering its functions. I think that this is a crucial area. Members have been engaged in valuable representative, scrutiny, policy development and legislative work, and as a new and evolving institution, the Assembly has been changing its processes and procedures to support more efficient and effective operations. However, there is always room for improvement. In the context of a smaller Assembly, it is my view that significant reform will be required if we are to sustain and improve its effectiveness.
268. A wide range of issues should be considered as we seek to make the most effective use of Members' time, experience and expertise. For example, seeking to work effectively with the Executive to plan and manage plenary and Committee business effectively will become ever more important. Investing in the further development and enhancement of the skills of Members and their staff would also seem to be a basic area for attention.
269. As the Committee has quite rightly identified, perhaps the area to which most attention will need to be given, as we sustain effectiveness, is the Committee system. Therefore, I suggest that a reduction in the number of Members should result in a detailed

- review of the Committee system, including all types of Committees. Such a review would address a number of issues, particularly in the expected context of fewer Statutory Committees with wider scope and, perhaps, fewer Members. Consideration should be given to what needs to be done to enable Committees to retain control of their agenda. Would specific Committees be required to undertake detailed scrutiny of budget and expenditure and/or lead on external liaison and European scrutiny? Also, might it be necessary to consider new innovations within the Committee system to enable the public to put the issues of importance to them on the Assembly's agenda? Is action required to enable Chairpersons of scrutiny Committees to assign more time to that role?
270. Finally, Members will appreciate that any discussion on streamlining the Assembly and its structures will have an impact on its staff, who are already having to deal with significant budget reductions and provide a wide range of essential and well-regarded services. The Assembly is well served by them, and I wish to see the Assembly Commission's vision of being at the forefront of providing outstanding and progressive parliamentary services being built on for the benefit of the institution and its Committees.
271. In the paper, I have included further suggestions relating to Committees, but, perhaps, at this stage, I should conclude. I am, of course, happy to answer any questions that members may have. Thank you.
272. **The Chairperson:** Thank you for that. I will open the meeting to members' questions in a moment. Your response refers to a number of possible changes to the Committee system. Of those, which two or three would you prioritise to contribute significantly to sustaining the Assembly's effectiveness with a reduced number of MLAs?
273. **Mr Reaney:** I mentioned in my response a review of the Committee structure. Although there is a legislative linkage between a Statutory Committee and a Department, no such restrictions apply to Standing Committees. That area warrants some early attention to determine not only how it can be streamlined but whether it can be improved to enhance the work of the legislature. Other institutions, for example, have European committees or specific budget scrutiny committees, and there are other models that might be of value.
274. I will go back to the point about Members' time and the number of MLA hours available. There is a danger that all sorts of demands and pressures will squeeze important issues off the agenda. Committees need to consider how they structure their agendas to enable them to respond to the legislative demands of the Executive while having time for scrutiny and engagement with the public and the electorate.
275. Therefore, the two issues are a review of Committees, including Standing Committees, and how Committees conduct their business and prioritise their work.
276. **The Chairperson:** Similarly, outside the Committee system, what are the top few changes that you would like to be brought through?
277. **Mr Reaney:** I think, Chair, that you would judge many of these issues in relation to the number of MLAs and how they conduct their business. Many of the issues are political, and I would hesitate to stray into those, but I will come back to the issue of time. Obviously, Members spend a large amount of their time on constituency work. There could be some consideration of how Members prioritise and schedule work according to the days on which there are plenary sittings, the days on which Committees sit and the days available for constituency work. An examination of that in the wider context might assist Members in making best use of their time.
278. **The Chairperson:** On page 18 of your submission, you comment that a

reduction in the number of Departments is unlikely to affect:

“the legislative and policy output for consideration by the Assembly”.

279. **Will you elaborate on that?**

280. **Mr Reaney:** It is, perhaps, an obvious statement of fact that the delivery of public services and the requirements to govern our society will be unchanged by the size and structure of the Assembly. The public services being delivered will be the same, and the legislative responsibilities of the Assembly will be the same. The scope will not diminish. Indeed, some additional responsibilities may be tasked to the Assembly in the years ahead. So the volume of work to be tackled will not change. The number of Members available may reduce and, therefore, how they go about their work needs to be better prioritised and more streamlined.

281. **Mr McDevitt:** Thank you, Trevor and John. Trevor, it is noticeable that you focus more on what we do than on how many of us are doing it, if you follow the logic of my argument. To me, the most interesting stuff in your submission is on the Committee structure. You make a specific recommendation on the possibility of Committees being able to make amendments during Committee Stage. Will you talk us through how that happens in other legislatures?

282. **Mr Reaney:** Other legislatures have a facility to make amendments during Committee Stage, which reduces subsequent plenary activity. Some might, perhaps, view that as a more effective way to consider, debate and discuss amendments to legislation rather than doing so on the Floor of the House, which is a much more structured and formal setting. Other legislatures derive benefits from that. John, do you want to provide more detail on that?

283. **Mr John Stewart (Northern Ireland Assembly Secretariat):** It is a matter of trying to make the most effective use possible of Committee time when a Bill is at Committee Stage. As members know, a huge amount of work goes into

the scrutiny of Bills in the Assembly, and we want to make sure that there is every opportunity possible to make best use of that scrutiny and to make sure that the Bill gets to the Floor of the House in the most appropriate way. We want to look at that in a bit more detail. Perhaps, we could provide the Committee with a more detailed written response on how that is dealt with in other legislatures because, as Trevor said, it is well worth further consideration.

284. **Mr McDevitt:** You talk about us organising our time better. That is an institutional observation and, probably, a personal one for all of us. However, do you see real opportunities in the way that we schedule the week's business here to make things more efficient and to make sure that when we are here, we do more legislative work and get distracted a little less by other duties? If so, what are the two or three biggest opportunities for positive change in the organisation of business in the short to medium term?

285. **Mr Reaney:** One of the instincts of an elected Member is to respond to everything that comes through his or her door or postbox, and that is then reflected in the work of Committees through the volume of material, submissions, correspondence, witnesses, and so on. There has to come a time when members say, “That is interesting, but we will not invite that witness”. Alternatively, perhaps the Chair of the Committee could sift through submissions so that only the most important issues come to the attention of the Committee. The management of the volume of activity is important.

286. The holy grail is prioritising work. How do you prioritise the issues on which you should spend your time? In every walk of life, whether in managing organisations or in the political world, we all struggle with deciding what are the important issues. We need to have the ability to say, “No, we do not have the time to deal with that because it is not a high enough priority”. I appreciate, Chair,

- that that is difficult when those on the receiving end of that answer are those to whom, ultimately, you look for future political support.
287. We could explore those issues further and do more research. We could look at examples of how Committee agendas in other places are more streamlined and how the volume of lower-level issues are screened out and do not appear before Committees.
288. **Mr Stewart:** At the beginning of the Assembly, the one-size-fits-all approach to inquiries was labour-intensive and time-intensive. In recent years, our Committees have become more innovative about the way in which they undertake their work and inquiries. We want to encourage even further innovation so that we cut our cloth to fit the time available, particularly the Member time available to undertake inquiries, for instance.
289. **Mr Campbell:** I appreciate and understand fully the political implications of changes to the size of the Assembly, and I understand what you said about that, Trevor. Some will say that cost savings are important and others will say that they are less so, but, whatever importance we attach to that, it is important that we know the amount that we are attaching that level of importance to. If 18 constituencies were reduced to 16 and if the number of Members representing each constituency was reduced from six to five, thereby reducing the total number of MLAs from 108 to 80, one presumes that there would be a 28-times saving of salary, office cost expenditure and travel costs. My reckoning is that that would save around £3,250,000. I take it that that is factually correct.
290. **Mr Reaney:** One issue that we cannot prejudge is what, by that stage, the Independent Financial Review Panel might say about Members' salaries and the office cost allowance. Based on the current position, the sorts of direct savings you mentioned would accrue; yes.
291. **Mr Campbell:** If you add £69,000 in office cost expenditure to £43,000 or £48,000, you come up with around £112,000, which, multiplied by 28, gives just over £3 million, and then travel costs.
292. You said that "significant reform" would be required. Was that phrase in relation to some of the questions you answered earlier or was it about something else that you have not yet mentioned?
293. **Mr Reaney:** It is in the context of all the issues that I mentioned, including reviewing the Committees, the use of Members' time and prioritising work. A continuation of the current system is not doable with a significantly reduced number of Members. There needs to be change, and that is what I was trying to highlight. I do not have anything additional to what I have commented on or put in my written submission.
294. **Mr Campbell:** My last question goes back to cost. I know it is hypothetical, but if there were 96 or 80 MLAs, is it correct to say that there would be some savings that are more difficult to quantify in respect of the staffing required to service 80 or 96 Members, rather than 108? I am thinking about finance, IT and other areas. Is that possible to quantify?
295. **Mr Reaney:** It is, ultimately, possible to quantify. The Assembly Commission has not yet got into that; its position is to wait to see what the political decisions are. If those decisions are made during this year, there will be at least a two-year lead-in to plan and make those arrangements. The point that I was making in my remarks and in the written submission is that there is the opportunity to use some funds to invest in the effectiveness of the institution. During a recent visit to the Welsh Assembly, I was impressed by the establishment of a team of four staff who are working full time on the professional development of Members and their staff. That is a significant investment on that aspect of trying to enhance the effectiveness of the Welsh Assembly. We, the Assembly Commission and Members collectively

- need to consider whether there are such issues where investment of resources would be helpful in the longer term. On your basic point, I expect there to be savings. It is a question of how much those might be and whether any savings can be better used to enhance the work of the Assembly.
296. **Mr Beggs:** Thank you for your presentation. I want to address the practicalities and outworkings of the Committee system in the context of a reduced number of Members. The number of Members on Committees could be adjusted appropriately so that we could keep roughly the same model with a smaller number of people, or we could reduce the number of Committees and have a higher number of people. What evidence have you gathered from elsewhere that shows that if a Committee gets too small, it can lose a certain amount of its critical mass and, I dare say, its experience in challenging those who come before it?
297. **Mr Reaney:** The Research and Information Service has provided the Committee with various research papers that look at numbers in other places. Is there an ideal size for a Committee? I think that the answer to that is no. It depends very much on the range of work to be done and how that is approached. Is it as low as five, as high as 15, or anywhere between? Those judgements need to be made in the round but taking account of responsibilities, the way in which the work is done, and so on. One of the issues that needs to be considered in a review of Committees is the number of them on which a Member might serve. That consideration relates to the amount of time that they spend in meetings, the amount of preparatory work that they are required to do, the amount of necessary background reading, and so on. It could perhaps be argued that if individual Members are focused on and immersed in a particular area of work, it might ultimately lead to a more effective Committee system. That is only a personal view.
298. **Mr Beggs:** You talked about the pressures on Members caused by how and when Committees meet, etc. Because they are at Westminster, some Members do not want to meet in Committee during the week. Others do not want to meet at certain times because some councils meet in the evening and others during the day. Do you agree that that seems to illustrate that some Members are not pressured by time?
299. **Mr Reaney:** Chair, I would not wish to stray into judging Members' use of time, other than to say that Members obviously have a range of demands on their time from a number of different sources. I think that it is for the Assembly and individual Committees to work out their own arrangements to suit the maximum number of Members.
300. **Mr Beggs:** Do you agree that it is unfortunate that because of time constraints, some Standing Committees and some Statutory Committees meet at the same time as the Assembly? As a result, even this morning, we cannot contribute in the Chamber. Do you agree that that is a practical problem?
301. **Mr Reaney:** In an ideal world, that should be avoided. However, it comes down to the competing demands on Members' time, and facilitating those in the best way possible.
302. **Mr Doherty:** Thank you for your submission. You talked about the demands and pressures on MLAs and the size and capacity of the Assembly. We have 108 MLAs and that is going down to 96. At what point would the effectiveness and capacity of the Assembly be affected by a reduction in its size? If we fell below 80 to 70 or 60 — whatever — at what figure do you think it would start to become dangerous in respect of the Assembly's capacity to do its work?
303. **Mr Reaney:** As I said earlier, I think that it is difficult to say. There is no obvious optimum size. Anecdotal experience from other places suggests that figures as low as 60 make it difficult to populate the necessary Committees. I am thinking of the example of the

- Welsh model. I hesitate to pin my colours to the mast by giving a specific figure. However, a figure as low as you mentioned — of 50 or 60 — would make it very difficult to operate the Assembly.
304. **Mr Doherty:** We are trying to make judgements about the best way forward and we have to take on board the issue of capacity to deliver. Any advice from you about not going below a certain number would be useful, although how you come to that figure is a different issue. You say that 60 is out; would 70 be out?
305. **Mr Reaney:** Chair, I hesitate to be drawn on a specific figure, other than to cite my anecdotal experience from another place. As you quite rightly say, it comes down to judgements, which are for Members rather than officials to make.
306. **Mr Doherty:** I am interested in your judgement — you have been around this place for a while and you understand it. I just want a sense of that, so we do not produce a report that affects capacity.
307. **Mr Reaney:** On a general point, the one thing that Members — and all of us — need to factor in is the amount of constituency time that Members have. A year or two ago, I visited a number of constituency offices to get a feel for what was going on in constituencies. It was very clear that there was demand for that service to be provided. My concern about reducing the number of Members is that they would be drawn further into that work, leaving themselves less available for plenary and Committee time. The fewer the Members, the greater the risk that there will not be enough Members around this table or in a plenary sitting to effectively debate and discuss Assembly business.
308. **Mr Doherty:** Trevor, you would make a great politician. *[Laughter.]*
309. **Mr Reaney:** I have good masters. *[Laughter.]*
310. **Mr Hamilton:** Trevor could not answer Roy's question. However, I reminded Gregory of a man who, when volunteering — or being volunteered — to serve on a Committee, said that he found the best size for a Committee was three, with two always absent. *[Laughter.]*
311. I have more of an observation for the record, rather than a question for Trevor. It picks up on a point that Roy made. We seem to be almost precious here about having days that are plenary days only and then Committee days and a constituency day. However, that is not the model that operates in Westminster, where Committees run concurrently on whatever days they sit. Any time that I have been in Leinster House, that has not appeared to be the model that they have either. They have Committee meetings on the same days as plenary sittings.
312. Whether folk like it or not, we are moving to reducing the Assembly to 96 Members as an absolute starter. Therefore, if you have the competing pressures that Trevor identified of increased constituency work versus the pressures here, and a desire to at least have a debate about what is the optimum working week in Parliament Buildings as distinct from in the constituency, it appears that that is nudging us towards at least contemplating more Statutory Committees and Standing Committees sitting on what we now term plenary days.
313. Chair, there may be a piece of work for us in looking at what is done in Westminster and Leinster House. That would be interesting. The Assembly has undertaken several reviews in the past, so we could draw on that experience. We seem to be quite protective of the model that we have here, which developed almost organically, but it does not seem to be what others do. The general public criticise the effectiveness of every democratic institution, but Westminster and the Dáil do not seem to be dysfunctional in any way because they operate their type of system. We might have to look at that.
314. **Mr Reaney:** An MP from another place might know about this better than I do but, in Westminster, not all

- elected Members serve on the Select Committees. Therefore, there is a capacity of non-Committee Members. We are different in the sense that all Members are committed to Committees.
315. It is a balancing act. We talk about plenary days and Committee days. However, there is no reason why, for example, on the same day, Committees could not meet in the morning, with a plenary sitting in the afternoon. Other places have different models of how best to manage time. It comes down to what Members collectively find to be the most suitable and beneficial model. We, as a secretariat, will do what we can to support Members in that.
316. **The Chairperson:** Perhaps we can have some research done on the points that you made, Simon.
317. **Mr Hamilton:** It would be an interesting area to look at.
318. **Mrs Overend:** Thank you for your response. I am sorry that I missed the beginning of it. I am thinking about the reduction of MLAs and how that would represent a reduction in cost. Do you think that there would be a direct correlation with the costs of supporting those MLAs? With a reduction in numbers comes an increase in responsibility for MLAs in this Building and in constituencies. Therefore, surely they will need additional support. Do you agree that there could be a direct correlation in that there could be, in fact, an increase in the number of civil servants to support MLAs?
319. **Mr Reaney:** As we touched on earlier, there is a direct correlation in that the direct expenditure on an MLA would change. I was careful not to say that there would be proportionate reduction in the other expenses because I do not think that that would be the case. There will be some reduction, perhaps as volumes of certain transactions to deal with issues might fall, but it is not directly proportional in my view. I think that there is an opportunity to consider investment that will sustain and enhance the future work of the Assembly. That applies equally to constituency work and the administrative support in the Assembly itself.
320. **Mrs Overend:** One example is that an MLA will have to cover a larger area. I will leave it at that. Thank you.
321. **Mr Beggs:** On the research aspect, Chair, I ask that you ensure that it covers the times that Westminster meets — four days a week — and monitors the numbers that are involved because that has a direct bearing on whether the rest of the House can do business.
322. **The Chairperson:** There are no further questions. Trevor and John, thank you for your attendance this morning.
323. **Mr Reaney:** Thank you. I wish you well with your review.

17 April 2012

Members present for all or part of the proceedings:

Mr Roy Beggs
Mr Gregory Campbell
Mr Stewart Dickson
Mr Pat Doherty
Mr Simon Hamilton
Mr Raymond McCartney

324. **The Acting Chairperson:** The purpose of this agenda item is threefold: first, for the Committee to consider the note on the meeting that the Deputy Chairperson and the Chairperson had with the First Minister and the deputy First Minister on 4 April 2012; secondly, for the Committee to consider the written submissions on the review that have been received to date; and, thirdly, to receive an Assembly research paper titled ‘Scheduling Parliamentary time’. I propose that we take each in turn and ask the Clerk to speak to the memo in members’ packs, starting with the papers for the meeting with the First Minister and the deputy First Minister. Are members content to do it in that fashion?

Members indicated assent.

325. **The Acting Chairperson:** John, will you recap the meeting with the First Minister and the deputy First Minister?

326. **The Committee Clerk:** I remind Committee members that the purpose of that meeting was to clarify what work is being done or is planned for 2012 on the reduction in the number of Departments post-2015 by the Office of the First Minister and deputy First Minister (OFMDFM) or the efficiency review panel.

327. Members’ packs contain a note of the meeting that the Chairperson and the Deputy Chairperson had with the First Minister and the deputy First Minister and an associated letter that was received from the Executive party

leaders’ group two days before that meeting on 2 April.

328. I will highlight two or three points that were emphasised by the First Minister and the deputy First Minister during that meeting. The note states:

“They stated that they are both very determined to expedite the matter of post-2015 structures of Government in 2012 in the context of the number of government departments and the size of the Assembly.”

329. The First Minister and the deputy First Minister also said that they were taking that forward actively by meeting with Executive party leaders with the aim of reaching political agreement. They also referred to the Assembly and Executive Review Committee’s (AERC) existing review, as well as previous reviews, when considering exploring options and presenting views to the Assembly and to that group. However, they emphasised in the end that it is a political matter for party leaders of the Executive to negotiate. They must agree a way forward for post-2015 structures and the review that the Committee is involved in.

330. I will leave the summary there.

331. **The Acting Chairperson:** Thank you, John.

332. **Mr Beggs:** Paragraph 4a of the Committee Clerk’s note states:

“The First Minister also highlighted the on-going work to abolish the Department of Employment and Learning.”

333. What work is ongoing? What has happened and what is the schedule for that work? I am just trying to get that information.

334. **The Committee Clerk:** No information was given on the detail of the schedule of work.

335. **The Acting Chairperson:** I was going to ask whether you are happy with that, Roy, but you look puzzled.

336. **Mr Beggs:** The note says that the ongoing work was highlighted, but what is that ongoing work? There is nothing to highlight.
337. **The Committee Clerk:** It was raised simply in that context —
338. **Mr Beggs:** That work is ongoing.
339. **The Committee Clerk:** Work is ongoing, but there is no time schedule.
340. **Mr Campbell:** It is a bit like our ongoing work, Chairman.
341. **The Acting Chairperson:** Work is always ongoing.
342. **Mr Campbell:** The only point I want to raise is not a query but an acknowledgement of paragraph 3a of the note. I have raised this point on several occasions since I joined the Committee.
343. It states:
“However, full engagement by all Executive party leaders is desirable.”
344. The next sentence is probably the most relevant, and we all need to try to bear it in mind as we labour intensively week on week:
“in the end, it is a political matter for the party leaders of the Executive to negotiate and agree the way forward.”
345. We must bear that in mind as we toil and labour week in, week out and paper in, paper out.
346. **The Acting Chairperson:** Wise words. Anything else before we move on, members? No? Thank you.
347. I will pick up Gregory’s point and the suggestion from the First Minister and the deputy First Minister that it might be more appropriate for the Committee to invite Executive party leaders to provide oral evidence on the review. I think that that is a useful suggestion. I think that we should park that idea until we receive all the written responses from the various parties. We have not yet got responses from all the parties that we would probably invite to give such evidence. However, we can perhaps take that forward when we get all the responses. Therefore, are we content to revisit the option of bringing people to the Committee when we get those responses?
348. Members indicated assent.
349. **The Acting Chairperson:** We will move on to the written submissions on the Committee’s review that have been received to date. Members will note that full copies of written submissions — there are 21 substantial responses and four nil responses — are included in our packs. The summary analysis of the written submissions is included in a useful table. I remind members that the fifth issue in our stakeholder ‘Call for Evidence’ paper on the number of Northern Ireland Departments is primarily the focus of the second part of the review, which the Committee has agreed to report on in late October of this year. If Members are content, I propose that we discuss in turn issues one to four, as set out in ‘Call for Evidence’, to summarise what has been said and for members to raise any issues that they want to raise. Are we happy to do that?
350. **The Committee Clerk:** Members should have received the twenty-sixth written submission, which is from the DUP, yesterday morning. Copies are available from the Committee secretariat. Indicate if you have not got that to hand.
351. **The Acting Chairperson:** I am sure that you all already have copy of it anyway.
352. **Mr Doherty:** I have spare copy. I have read it.
353. **The Acting Chairperson:** It is always useful to have it to hand.
354. The first issue is whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining that link. Members may wish to refer to the first column of the summary analysis of written submissions received to date. The majority of respondents — 14 out of 21 — have not offered views on

whether the link between Westminster and Northern Ireland constituencies should be retained. Three respondents stated explicitly that the link should not be removed, and the remaining four respondents were either generally in favour or saw no reason why the link should be retained. Two respondents raised the option of new Assembly constituencies replicating review of public administration (RPA) or new council boundaries.

355. Members, do you have any views, comments or questions on the evidence that has come in so far? I should say, as we go through these, that our evidence from all the parties is incomplete. Unless there is a specific issue that anyone wishes to raise in each of the columns as we go through them, it may be better to wait until we get everything in before we have a more open discussion on the matter. This is just to note what has come in so far.
356. **Mr Campbell:** The leadership of the UUP has changed recently. Is there outstanding work there? Perhaps there is not any.
357. **The Acting Chairperson:** We will try not to point fingers, because all parties have fallen into that category in the past.
358. **Mr Campbell:** I understand that.
359. **The Acting Chairperson:** The Ulster Unionist Party, the Alliance Party and the SDLP have responses outstanding. There was some confusion.
360. **Mr Beggs:** I understand that an e-mail should have been sent this morning stating that our response should be in by the end of the week.
361. **The Acting Chairperson:** That is the important thing. Once we get all responses in, we can have a more open and frank discussion about the points that have been raised.
362. If members have no views on that, we will move on to the second issue. It relates to the implications of the forthcoming reduction in constituencies via the Parliamentary Voting System and

Constituencies Act 2011 and any further reduction in the number of MLAs. Again, members, look at the second column in the summary analysis. Seven of the 21 respondents stated explicitly that the number of MLAs should be reduced. They gave suggestions for appropriate numbers, ranging from 96 to 60 and a few points in between: 80, 72 and 64 were suggested. The vast majority of remaining respondents either offered no views on the matter or offered views on ways in which to mitigate the impact of a smaller Assembly. If members have no views to express at this stage, I will move on.

363. The third issue relates to the reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity. Eight of the 21 respondents gave suggestions on the specific numbers of MLAs required to maintain effectiveness, varying from 60 to 80 to 96. The vast majority of remaining respondents either provided no views on the specific number or only provided views on ways in which to ensure effectiveness with a smaller Assembly. If members have no issues with those responses, I will move on.
364. The fourth issue concerns views on proposals to mitigate the impact of reducing the number of MLAs on the effectiveness on the Assembly in delivering its key functions, including proposals to ensure a robust and effective Committee system. Many respondents have the view that a reform of the Committee system in the Assembly needs to be considered in conjunction with the reform of the Northern Ireland government structures. There also seems to be a fairly common view that, regardless of whether there is a reduction in the number of MLAs, the Committee structure and system needs to be reviewed. If members have no views on any of the comments in the summary analysis, I will move on.
365. The fifth issue is around the views on the reduction in the number of Northern Ireland Departments and the associated reallocation of functions that will ensure

the effectiveness of the Executive functions is maintained, remembering that the Committee plans to revisit specifically the subject in detail for the second part of its review. Several respondents gave detailed suggestions as to how government could be restructured — with a broad reallocation of functions — and a number suggested having eight Northern Ireland Departments. Many respondents linked the reduction in the number of Northern Ireland Departments and the consequent reduction in the number of Statutory Committees when commenting on maintaining Assembly effectiveness. If members have no comments, I will continue.

366. If we are content, we can consider at week's meeting any further responses received and then start to agree a Committee position on the number of MLAs. Given that we have a few outstanding responses, which will be critical to the views of the Committee, are members happy to leave it until we get those responses in?

Members indicated assent.

367. **The Acting Chairperson:** On the outstanding written responses, I ask Committee members from the parties concerned to try their best to get them to the Committee secretariat as soon as possible. If parties are unable to provide a written response, their representatives should be able to give an oral presentation to the Committee. Are members happy with that?

Members indicated assent.

24 April 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
 Mr Roy Beggs
 Mr Gregory Campbell
 Mr Stewart Dickson
 Mr Paul Givan
 Mr Simon Hamilton
 Mr John McCallister
 Mr Raymond McCartney
 Mr Conall McDevitt

368. **The Chairperson:** We will move on to the review of Parts III and IV of the Northern Ireland Act 1998 in the context of reviewing the size of the Assembly and the number of Departments. I advise members that the purpose of this is for the Committee to consider the written submissions that have been received to date on the Committee's review, particularly those of the political parties in the Assembly. I propose to ask the Committee Clerk to speak to the memo in today's members' pack, starting with the paper that has been circulated to members.

369. **The Committee Clerk:** In the papers that are before the Committee, members will find an updated summary analysis of the written submissions to the review, which includes a summary analysis of the DUP's written submission, which was received on 16 April and tabled at last week's meeting.

370. Members will recall that this summary analysis is structured to reflect the five key issues and associated questions in the Committee's stakeholder call to evidence paper. Members have also been provided with full copies of the written submissions from the political parties of the Assembly. The Ulster Unionist Party's submission was circulated to members last Friday, and the Alliance Party's submission was circulated to members yesterday afternoon. If any members do not have copies of those submissions, they will

be available today from the Committee secretariat.

371. **The Chairperson:** I will now call on members to summarise their parties' views on the key issues in the Committee review. I will do so in alphabetical order, and as we do not have representation today from the Alliance Party, the Committee Clerk has agreed to sum up on its behalf.

372. **The Committee Clerk:** In its submission, the Alliance Party commented on all five issues in the stakeholder paper. On the subject of the statutory link between Westminster and Northern Ireland constituencies, the Alliance Party stated that it was aware of the arguments for and against decoupling and that that would be best dealt with through a meeting of the leaders of the political parties. It also stressed the need for simplicity and consistency in the outcome of those discussions.

373. On the second point, about the impact of the Parliamentary Voting System and Constituencies Act 2011, the Alliance Party supports the reduction in the number of MLAs that will come about because of that Act from 108 to 96. Indeed, it would be supportive of a further decrease by reducing the number of MLAs per constituency from six to five to provide the Assembly with 80 Members. The Alliance Party cautions against going below five Members per constituency.

374. On the subject of the reduced number of MLAs that are required to ensure the effectiveness of the Assembly, the Alliance Party states that there is no evidence to suggest that an 80-Member Assembly would be insufficient to ensure the effectiveness of the Assembly, particularly if a streamlining of Executive Departments happens concurrently. That would reduce, as the Alliance Party says, the number of statutory Committees.

375. On proposals to mitigate the impact of reducing the number of MLAs to maintain the effectiveness of the Assembly, the Alliance Party view is that the rationalisation of the number of Departments from 12 to eight should be undertaken and that that will decrease the number of Committees of the Assembly and maintain Assembly effectiveness.
376. Finally, on the question of the reduction of the number of Departments, the Alliance Party proposes an eight-Department structure. The details and make-up of those eight Departments are included in the Alliance Party's full submissions before members.
377. **The Chairperson:** We will move on to the DUP.
378. **Mr Hamilton:** Are we in closed session, Chair?
379. **The Chairperson:** Not as yet. We are briefly outlining the position of the parties, and we will then move into closed session and discuss it in more detail.
380. **Mr Hamilton:** Our paper is there. It is very clear, and it has been submitted several times. I can run through what is in members' packs if they want, but it would maybe be easier to go through the points in more detail in closed session in a more free-flowing discussion. Our positions are all in the paper, and they have been summarised accurately by the Clerk. If members wish to go over a point, we can do that now or later.
381. **The Chairperson:** OK. Conall McDevitt for the SDLP.
382. **Mr McDevitt:** I am happy to summarise the party's position. We believe that very serious consideration should be given to whether the statutory link between Westminster and Assembly constituencies is in the best interests of our region. We have raised previously the fact that there is nothing to say that, in future, the number of Westminster constituencies could not go back up again. Therefore, you would have a situation where the Assembly numbers could be forced down and forced up and then forced down and up again on a four- or five-year cycle to follow the vagaries of population spreads across the UK as a whole. That certainly would not be in the interests of this region and would not be conducive to political stability or to a good relationship between constituents and their public representatives at Assembly level. So, we would be very keen for this body, the Assembly and Executive Review Committee (AERC), to reflect on that and to speak with some authority on the matter in the report.
383. The implications for Northern Ireland in the Parliamentary Voting System and Constituencies Act 2011 are self-evident: there will be an automatic reduction of the Assembly from 108 to 96 Members should the Act become law. The further implication is that it leaves the question about the size of the Assembly only partially in the hands of this Assembly, because another part of the decision-making framework will remain, unless we take a decision to decouple, outside of our hands — something that we do not believe is necessarily in the best interests of this region.
384. We previously put it on record that it is the sense of those senior members of the SDLP who were involved in the negotiations leading up to the Good Friday Agreement that the purpose of going for coterminosity at the time was to avoid the inevitable delay that would have been necessary had we had to set up a boundaries commission in Northern Ireland to establish a series of constituencies. The advice that I have received from colleagues who served in leadership positions at that time is that it was a practical solution in order to get the Assembly up and running, rather than a point of fundamental principle.
385. As I said previously, the reduction in the number of MLAs from 108 to 96 is inevitable should the 2011 Act come fully into effect. That in itself is something that we will, obviously, accept, because it is inevitable. We believe that any future negotiations about the size of the Assembly should take place in the

- context of the Assembly reflecting on the best interests of this region.
386. The question of the size of the Assembly and its ability to scrutinise the work of the Executive is very important. The best advice suggests that anything below 96 would make it very difficult for MLAs to continue to properly scrutinise the current architecture of government, which raises the question around the number of Departments. We have long argued that it should not be a numerical debate, but one around need. We have recommended significant reform in the Office of the First Minister and deputy First Minister (OFMDFM), the creation of a single economy Department, a new Department for energy and sustainability, a new Department for learning and a community housing and local government Department.
387. We would like the discussions in private session elsewhere to focus on government designed around need rather than meeting some magic number of Departments. Those discussions should be conducted through the AERC, obviously. It is the only vehicle that should be debating these matters because it is the only Committee of the Assembly that is set up in statute and designed to review the work of the Executive. We are mindful of the fact that there has already been a departure from the number of Departments that is set out in the agreement and in the Northern Ireland Act 1998, because, of course, we now have 11 plus OFMDFM when the agreement's provision was for 10 plus OFMDFM.
388. That is as much as I want to say on the substantial issues, but I have one other point to put on the record. We have long believed that a review such as this should deal with the issue of nomenclature in the Office of the First Minister and deputy First Minister. We believe that this is an opportunity to agree to call that office what it is, which is the office of the joint First Ministers. I will leave it at that.
389. **The Chairperson:** OK. Thank you, Conall. I will move on and ask Raymond
- McCartney to sum up on behalf of Sinn Féin.
390. **Mr McCartney:** Like Simon said, our summary is there. If you feel that it needs to be read for the record, we can.
391. **The Chairperson:** If you want to leave it at that, it is OK. We will move onto the Ulster Unionist position.
392. **Mr Beggs:** We support the retention of the link between the Westminster constituencies and the Northern Ireland constituencies. The Westminster constituencies, which are still being finalised, have been designed to ensure equality of numbers, and, therefore, the current discrepancy in representation will be addressed. It would not be healthy to have the additional confusion that would exist if we had the new council boundaries, the Westminster boundaries and the Assembly boundaries, all of which, potentially, could overlap and cause difficulties. We wish to avoid that type of confusion for the electorate and we want to make things as simple as possible. At a different level, we think that retaining the originally agreed Westminster constituencies will help to ensure that our links to the rest of the United Kingdom continue and are not diluted.
393. When it comes to the change in the number of Assembly Members, we note that the legislation will automatically reduce the number of MLAs by 12. Indeed, I understand that the Boundary Commission was very close to reducing the number by 18 during its calculations. Rather than the number going back up again, it was very nearly reduced even further by the Boundary Commission, which will review it on a regular basis. If we were to deviate from the Westminster model, we would have to have another mechanism of regularly reviewing our boundaries and taking account of any population movements to ensure fair representation of the electorate in any additional constituencies that we create. For that reason, we want to try to keep things as simple and as efficient as possible. We favour retaining the Westminster boundaries.

394. We do not think that there should be any particular difficulties with the Assembly remaining effective with a reduced number of MLAs. As well as a reduction in the number of MLAs, we expect there to be a reduction in the number of Departments. A degree of flexibility could be created by adjusting the number of MLAs on Committees. It does not necessarily have to be 11; it could come down. Provided that all Members were committed to single representation and ending dual membership and, therefore, removing conflicts in Members' time due to council membership and Westminster membership, there should be no difficulty in maintaining quorums.
395. As regards moving forward in the Assembly, we feel that it is important that sufficient assistance and expertise is available to Committees to hold Departments to account. That means access to efficient research facilities and support in the Assembly, as Committees currently have.
396. The inclusive nature of the Executive was originally designed to ensure cross-community agreement and wide community buy-in. However, we do not think that that means that we have to stop at the current model. There are different means of enabling cross-community agreement to be maintained while moving towards more normal democratic structures. We argue that there should be an investigation of other mechanisms that require cross-community support but that would move us to a more normal democracy. At present, the electorate in an Assembly election generally expect the outcome to be the same parties represented in an Executive. In a democracy, it is important to enable a degree of adjustment to occur. We feel that we should move towards more normal democratic structures to enable that to happen.
397. Party leaders have been notified by OFMDFM about a number of issues for discussion. We feel that those areas should also be widened to this Committee. A dozen areas have been indicated in correspondence, and we feel that this Committee should have an important role in those discussions.
398. Regarding reductions in the number of Departments and associated functions, we have indicated that there should be a maximum of eight and are open to consideration of a lower number. We note that the independent review of the economic policy highlighted the need to create a department for the economy to spearhead our recovery. We feel that that should proceed as soon as possible and that we should not wait on other departmental decisions. We want to ensure that the economy is fully supported and that work on the ability to create and maintain jobs is proceeded with as soon as possible.
399. **The Chairperson:** OK, thank you.
400. Stewart, it was indicated to us that you would not be here this morning, so the Committee Clerk has outlined your initial position. Are you happy to leave it until the closed session to elaborate?
401. **Mr Dickson:** Yes. The document is available to the Committee. I am happy to take you through it, but I think that the document is perfectly self-explanatory.
402. **The Chairperson:** Members, I propose that we now move to closed session, to allow the Committee to consider and discuss in more detail the written evidence received to date on the review, particularly the five key issues set out in the Committee's call for evidence. Are members agreed?
403. **Mr Beggs:** Why are we going into closed session?
404. **The Chairperson:** To give members the opportunity to discuss this in more detail and see if there is a way forward around it.
405. **Mr Beggs:** Most Committees are in open session.
406. **Mr Givan:** No, they are not.
407. **Mr Beggs:** Most Committees I have been involved in are.

408. **Mr McDevitt:** When are they not in open session? The rule is we are in open session unless there is some confidential matter to be discussed.
409. **Mr Givan:** The Justice Committee went into closed session to discuss consideration of a scoping exercise it had done on the review of victims and witnesses' experiences of crime. That was only last week. If you want a precedent, there it is.
410. **Mr Beggs:** My experience of Committees, whether in council or the Assembly, is that there should be a specific reason for going into closed session; for example, confidential commercial information or something of a very sensitive nature. I want to hear why there is a need to go into closed session.
411. **The Chairperson:** Members will be aware that we want to agree a position towards the end of May or early June to try to move this on.
412. **Mr McCartney:** From my experience of this Committee in the previous mandate, I know that there were a number of occasions like this, when we went into private session because people perhaps felt freer to discuss some of the issues.
413. **The Chairperson:** I am content to leave it to members as to how we move forward on this.
414. **Mr Hamilton:** In previous discussions at this Committee, we have gone into closed session. Indeed, I recall that, in other Committees, when deliberating and seeking to agree a position, that is often done in closed session. Clearly, anything that the Committee would ultimately agree by way of a shared position would have to be done publicly. If members want to have as free-flowing and open a discussion as possible, it is not unhelpful to be in closed session. If members do not want to do that, that is fine, but I do not think that we will get as lucid a discussion on the issues as we would if we were in closed session. Last week, Gregory highlighted the point that has been made elsewhere: that these are issues that will ultimately be decided elsewhere, at a political leadership level. When they are having discussions about this, they certainly do not do it in public. I know that some people sometimes like to negotiate in public, but agreement tends to take place behind closed doors. Likewise, I think that, if we are scoping out these issues on behalf of others, that should be done behind closed doors.
415. **Mr Campbell:** We are not going into closed session to discuss something that we would just prefer was not in the public domain. The nature of the discussion is such that, whatever perspective any of us take, either of our own proposal or, more importantly, those of others, it will become fodder for Twitter accounts and the subject of discussion in the public domain. It is an exchange of views to try to get to a common position. I do not know why we would want to create some form of media interest in an exchange of position papers and the analysis of each other's positions, which, as we all know — as Simon and I and others have outlined and made clear on other occasions — is going to be decided in another room anyway. Do we want to raise, today and next week and every other week, media interest in what some people might regard as navel-gazing? It would get to the point at which I cross-examine Conall on what he said about the nomenclature that requires change. Why did he not do that in 1998, when the agreement was set up? I just do not see the point in that. It would be creating an unhealthy appetite for the media personnel about something that has really no substance. Where is it going to end? It would be preferable to discuss and get into the meat of each other's proposals here, come out the other side and let whatever follows beyond that happen.
416. **The Chairperson:** Are members content that we go into closed session?
417. **Mr Beggs:** I maintain the view that, unless there is something of a particularly sensitive nature, we should not be going into closed session. That is my natural instinct.

418. **The Committee Clerk:** That view can be recorded.
419. **The Chairperson:** Are you content that it is recorded?
420. **Mr McCallister:** My experience on Committees has been that closed session usually occurs when legal advice is being given or something particularly sensitive is being discussed, never for something like this.
421. **The Chairperson:** Are you content that it is recorded, then?
422. **Mr Dickson:** In part, I understand what colleagues are saying, and that is fine in relation to Committee business of the Assembly. This is somewhat different because it involves people looking around the edges of actual negotiation. It would be helpful to have those discussions, which will inevitably be fed back to the leaders, who will potentially be making the ultimate decisions and recommendations on to all of this, in private.
423. In public discussion, I am not in a position to go beyond what is written down. I would very much like to help and co-operate with my colleagues by answering questions and speculating with them in this Committee, but it is not necessarily helpful for that to take place in a public forum.
424. **Mr McDevitt:** While we are still in public session, I would like to tease out what Stewart just said for clarity. It is this body, under statute, that has the authority to review the Assembly and Executive structures, no other body. The party leaders have no authority: they are nonentities in statute, although they may be political reality. This Committee has a unique position.
425. **Mr Hamilton:** Some are greater nonentities than others.
426. **Mr McDevitt:** The only Committees of this Assembly laid out in the Northern Ireland Act 1998 are this one and the Public Accounts Committee. I am not going to be party to any process that is just a teeing-up for some behind-closed-doors negotiation. I will be party to a process that is consistent with the Standing Orders of this House and gives this House supremacy, not the Executive or the party leaders, and honours the statutory authority of this Committee.
427. There is a duty on all of us, as Members of this House and members of this Committee, to understand that this Committee has a unique role. We are not just sent here to exchange position papers with no authority to say anything else. If we have to do it in private session, I have no problem with that, but the point of this Committee is that it is meant to make recommendations to the House. I am not aware that the party leaders are in a position to write a report and make recommendations to the House. We seem to keep referring to this other group that is somehow going to do the work that this Committee cannot do when in fact statute, the Assembly and the motion in the Assembly require us to do the work in the first instance.
428. Some will think that is a pedantic point, but it is quite an important point from the point of view of accountability. I would not want to be party to the dilution of the standing of this Committee, directly or indirectly. I just wanted to make that point.
429. **Mr McCartney:** Again, referring back to the last pieces of work that the Committee did, which were the two reports on the transfer of policing and justice. There was a process in place for that. The Committee was the statutory place which anything that was going to the Floor of the Assembly came through. That is the process that we will follow here as well. That obviously means that there will be wider consultation in terms of parties and party instruction. I have no problem with the primacy of the Committee, but there are other realities where we take party positions.
430. **Mr Givan:** If you are recording the pedantic point made by Roy Beggs, will you make sure that the comments as to why we are in closed session that were made by my colleagues are also noted so that people do not try to make petty

points by saying that they recorded their objection to this without the rationale for our position also being included?

431. **The Chairperson:** Are members content that we move to closed session, albeit noting the reservations that some members have expressed?

Members indicated assent.

8 May 2012

Members present for all or part of the proceedings:

Mr Pat Sheehan (Deputy Chairperson)
 Mr Roy Beggs
 Mr Gregory Campbell
 Mr Pat Doherty
 Mr Paul Givan
 Mr Simon Hamilton
 Mr John McCallister
 Mr Raymond McCartney
 Mr Conall McDevitt

432. **The Deputy Chairperson:** We will move on to tab 6, which is the research paper entitled 'Electoral Constituencies'.

433. **Mr Tim Moore (Research and Information Service):** Thank you. This research paper addresses three issues: decoupling the Assembly constituencies from the Westminster election constituencies, the possibility of using the local council boundaries as the basis for Assembly constituencies, and the question of what you would do if you were to start from scratch. To be honest, the final issue is the one we found most difficult to answer, and we have not really found an answer to it.

434. I will take members through the paper. It is probably helpful to set out the legislative framework before the recent legislation, the Parliamentary Voting System and Constituencies Act 2011, came into force. The Parliamentary Constituencies Act 1986 set out the rules for the redistribution of seats across the United Kingdom. As enacted, there were certain constraints placed on the number of seats that there could be in any one part of the United Kingdom. In Great Britain, there should not be substantially greater or fewer than 613 seats; the number of constituencies in Scotland should not be fewer than 71; in Wales, that number should not be fewer than 35; and the number of constituencies in Northern Ireland should not be greater than 18 or fewer than 16, and should be 17. Of course,

we have 18 seats currently. I think that that happened back in 1995, when West Tyrone became the new constituency. Perhaps a member of the Committee knows more about the reasoning behind that than I do.

435. So, that was the position as enacted. The Scotland Act 1998 removed the number of seats in Scotland in anticipation of a reduction in the number of Scottish MPs and changed the rules about the number of seats and how you would allocate them. The fifth boundary review reduced the number of seats in Scotland by 13, taking it from 72 to 59. The important point to make about that legislation is that it specified minimum numbers, but that there was scope for some variation above those numbers, or, in the case of Northern Ireland, between a lower and higher number. There was scope for the Boundary Commission to come up with numbers that it thought were most appropriate.

436. However, in 2011, the Parliamentary Voting System and Constituencies Act came into force, which totally changed the way in which seats would be allocated to the different parts of the United Kingdom. The Act set the number of seats for the whole of the UK at 600. Four of those were historical seats, which left 596 to be distributed among the different parts of the UK. That legislation introduced a big change: it stated that those 596 seats would be distributed using a mathematical formula, which removed a lot of scope for the Boundary Commission to make arguments that it thought were more reasonable. One would apply what is known as — and I am sure that my pronunciation will be wrong — the Sainte-Laguë formula. That sets out how 596 seats would be allocated to different parts of the United Kingdom.

437. Table 1 in the research paper shows the impact of applying the formula

- to the population as at 2010. The legislation specified that you would take a period of two years and 10 months before the Boundary Commission was due to report. We know that the Boundary Commission is to report in October 2013. Therefore, going back to December 2010 and based on the electorate at that time, the Sainte-Laguë formula gives you the number of seats. This is how we have come to the new allocation of seats, which gives Northern Ireland 16 constituencies. Sainte-Laguë is a bit like d'Hondt. There are iterations. The first seat goes to England, and you then work through the rest. For Northern Ireland to get its sixteenth seat, the number was in the low 560s. It would be close to the end. It may not have got the sixteenth seat. Perhaps it would be close to 15 when you go through the iterations.
438. As the paper states, we are allocating seats on the basis of a mathematical formula, with very little scope for the Boundary Commission to come up with its own numbers. Therefore, we can project, based on numbers, what would happen in a number of scenarios. The statistics team in RalSe tried to do that, and we have set out the results of our projections in the paper.
439. The first point to note is that the numbers you put into the formula depend on the registered electorate. I know that Ray briefed the Committee and that Members will be aware that in Northern Ireland there is individual electoral registration, whereas, in GB, it remains household registration. When Northern Ireland moved to individual electoral registration, the numbers on the register dropped, but they came back up again. We have tried to reflect in the models what would happen in England when it moves to individual electoral registration. There are three scenarios, and, in a complicated way, the way the methodology lists the scenarios is the reverse of how they are shown in the tables. I will talk members through each of the three scenarios.
440. The first thing we tried to do was to take the average registration over the past five years and apply it to the projected populations to determine what the numbers and outcome would be in respect of seats? Therefore, we took the five years, fixed the proportion of people who are on the register and applied that. That is scenario three. We found that, over time, you would see Northern Ireland losing a seat, and that the number would continue at 15. That is scenario three. That is working on the basis of the levels of registration as they are at the moment. Then we worked out what would happen if individual registration in England had a big impact and it lost 10% of the electorate, as we did when we first went to individual electoral registration. That is scenario two. Over time, the electorate in GB would reduce, so the seats in Northern Ireland would increase to 17, and, eventually, would come down to 16. That really reflects the change that you would get if individual electoral registration in England, Wales and Scotland had the same impact as it did here.
441. Finally, in the third scenario, we worked out what would happen if something between those two scenarios happened; for example, if there were a 5% drop in England. In theory, we would then drop down to 15 in 2015, but there probably would not be a boundary review report anyway at that date.
442. **The Deputy Chairperson:** Tim, I am sorry, we are going to have to suspend the session.
- Committee suspended for a Division in the House.*
- On resuming —*
443. **The Deputy Chairperson:** Tim, we stopped you in full flow. You can carry on.
444. **Mr McCartney:** You can start again from the beginning. *[Laughter.]*
445. **Mr Moore:** I will try to pick up where I left off. I was briefing the Committee on the research paper, which looks at the impact of the Parliamentary Voting System and Constituencies Act 2011. It contains scenarios that we worked out by putting some projections into the

- formula that is in the Act. I will recap very briefly. Projecting forward on the basis of registration, as it is, we see the number of Westminster seats in Northern Ireland reducing to 15 and staying at 15. We then modelled figures on the basis that individual registration in England would reduce registration levels to those comparable with here when it was first introduced here. That sees the number of seats here rise to 17 and eventually reduce to 16. Scenario 1, which is method C, shows that if something between those two scenarios happens, the number of seats would stay at 16. Perhaps that is the best way to say it. In theory, the number would go down to 15, but there would be no Boundary Commission review in 2015, so, by the time of the next one, it would be at 16. Those figures, and our projections, are not what we are saying will happen; we are simply saying that this is what could happen under certain circumstances. We are showing that there is the possibility of variation in the number of seats. However, we are not saying that this will or will not happen.
446. The paper goes on to look at the process of decoupling. As members know, Scotland and Wales have decoupled their Parliament and Assembly seats from their Westminster seats. That was particularly important in Scotland, where, as I have said, the number of seats was reduced by 13 in the most recent Boundary Commission review. The number will be reduced again under the recent proposals.
447. The Scottish Parliament (Constituencies) Act 2004 decoupled the seats. In place of the link to the defined parliamentary constituencies, the new legislation stated that the number of constituencies would be 73. Of those constituencies, two were fixed and the rest were defined by using the existing Westminster boundaries. They took the boundaries as they were, and said, in the legislation, that those would be the Scottish parliamentary boundaries.
448. In addition in Scotland, the Boundary Commission was given the power to review the Scottish parliamentary boundaries but not the number of seats. The commission could not move the number of seats up or down, but it could shift the boundaries around if population shifts occurred. Therefore, the Scottish Parliament knows the number of seats and what they will be, but they do not know not exactly where the boundaries will be. The rules that the Boundary Commission must apply when moving the boundaries are set out in the paper. I will not go into those rules.
449. The Boundary Commission in Scotland has made its first report on the parliamentary boundaries there. The report goes to the Secretary of State and gets laid before the Parliament. However, the Parliament has no power to amend the recommendations, nor, in fact, does the Secretary of State, who must take the recommendations as they are. The order that brings the boundaries into force is made through Westminster. The point to be made about that is that although you may decouple from the Westminster constituencies, this is still not a devolved matter. It is not within the Scottish Parliament's gift to determine the number of its seats.
450. As the paper points out, a broadly similar process took place in Wales, which has now decoupled. That happened under the 2011 Act. They also locked down the existing constituencies as their parliamentary seats. That may be an issue for the Committee to think about. When Scotland and Wales decoupled, they went with the existing Westminster seats. Part of the Committee's deliberations, I understand, has been about Northern Ireland going down to 16 seats, but the Boundary Commission is not due to report until October 2013, and those 16 seats do not exist. I am not sure whether there is a technical issue around that, but it may be something that the Clerk and the Committee may like to consider. If that were to become the preferred option, how would you go about drafting the legislation?
451. Another issue that we were asked to look at was what would happen if

- we looked at the new local council areas as the constituencies and allocated Assembly Members across those. We have tried to do that. The Local Government (Boundaries) Order (Northern Ireland) 2012 was laid last month. We conducted a simple exercise, which was to use data from 2009 to look at the historical electorate, work out the percentage of the overall electorate for each of the new areas and allocate the number of Members based on that percentage. It is a straightforward process, and, in the paper, you can see how the numbers divide up. You can see that, because the size of the electorate differs significantly in each areas, so would the number of Members in each district, if you were to say that each district would have Members allocated in relation to the size of the electorate. In a 108-Member Assembly, the district with the highest number of Members would be Belfast, with 18, and the lowest, in an 80-Member Assembly, would be the district of Fermanagh and Omagh with five Members. That is not to say what should happen but to show what could happen almost as a starting point. It shows that how you then subdivide some electoral areas is an issue, because Belfast appears to be extremely large.
452. The next part of the research paper looks at district magnitude, which is the issue of the number of seats in each constituency. We were asked to look at the situation with the Dáil, where different numbers of Members are drawn from different constituencies. The point being made here is that, although six Members of the Assembly are taken from each constituency currently, it does not have to be like that. You could take a different number from constituencies, and that is exactly what happens in the Dáil. The research paper contains information on the existing situation there and on the proposed changes there.
453. We have done very little on the final part we were asked to look at, because we could not find material on it. It was to ask, if you were to start with a blank sheet, what constituencies would you arrive at? There is no formula for doing that. We have included some comment, but the only piece of agreement that we found is in the last sentence of page 13, which states:
- "Most scholars agree that district magnitudes of between three and seven seats tend to work quite well, and it has been suggested that odd numbers work better than even numbers, particularly in a two-party system."*
454. We do not have a two-party system, but that was as far as we could go to consider whether there was some machine into which you could put the numbers if you wanted a perfect system. It does not look like there is. I can now take questions from members.
455. **The Deputy Chairperson:** Thanks very much for that. Have members any questions?
456. **Mr McDevitt:** I am sorry, Chair, I am being called back to the Chamber.
457. **The Deputy Chairperson:** There are no questions. Thank you very much, Tim.

15 May 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
 Mr Pat Sheehan (Deputy Chairperson)
 Mr Roy Beggs
 Mr Gregory Campbell
 Mr Stewart Dickson
 Mr Pat Doherty
 Mr Paul Givan
 Mr Simon Hamilton

Also in attendance:

Mr Tim Moore *Research and Information Service*

458. **The Chairperson:** I ask Tim Moore, senior research officer, to please come to the table. I refer members to the research briefing paper entitled 'Electoral Constituencies: Further Information on Decoupling in Scotland'. Tim, you are very welcome.
459. **Mr Tim Moore (Research and Information Service):** Thank you, Chair. This briefing is a follow-up paper from the previous meeting, during which a member of the Committee asked the Research and Information Service to investigate whether there had been any confusion among the electorate following decoupling of Westminster and devolved Administration constituencies in Scotland and Wales.
460. In Wales, the legislation has decoupled the constituencies, but the Boundary Commission report, which will change the Westminster constituencies, will not come through until next year. Therefore, there is no issue of confusion yet in Wales.
461. Scotland is different because the decoupling took place in 2004, so the 2005 Westminster elections in Scotland were held with the reduced number of constituencies. In 2010, they were also held with the reduced number of constituencies, whereas the Scottish Parliament elections in 2007 and 2011 were held within the old Westminster

constituencies. Therefore, there is a difference there.

462. In the research, I tried to find any evidence that there was confusion, and the short answer is probably no. A lot of consideration was given to the issue of confusion during the years preceding decoupling, and that is what the paper really focuses on. A number of sources in the paper address the issue of how voters may be confused should decoupling occur. I will quickly run through the paper for members.
463. On page 2, there is a list of sources that address the issue of decoupling in some form. It goes back to the consultation on the size of the Scottish Parliament in 2001. That consultation asked whether there would be problems if there were decoupling. The paper looks at the responses and at the further decision to reduce the size of the Scottish Parliament and decouple. The paper then looks at the Arbuthnott commission, which was set up to address, among other things, the potential for confusion. The consultation on the size of the Parliament looked at the relationships between MPs, MSPs, councillors and the electoral administrator role, and possible confusion or difficulties they might have, as well as confusion among the public.
464. Pages 3 and 4 address the responses to the consultation. Very briefly, the view of the civic organisations that replied was that the electorate are quite sophisticated and would not be confused by any change in boundaries. The electoral administrators saw a number of headaches and bureaucratic difficulties, so they were less warm to the idea. However, I think that was because there were technical issues for them. The Executive favoured decoupling and could not see problems in respect of confusion for voters. Parliamentary groups were of the view that there was

- very little evidence that the voting public would be confused by having two sets of boundaries. Therefore, overall, the conclusion was that it might be a bit of a headache for the administrators, but nobody was making any argument that there would be significant confusion for the public.
465. Thereafter, the statement was made that the Scottish Parliament would be reduced in size and that there would be decoupling. As part of that, the independent Arbuthnott commission was established to address the number of different boundaries in Scotland and the number of different voting systems.
466. The Scottish Affairs Select Committee, which is mentioned on page 6 of the paper, also looked at the issue, and it was of the view that decoupling was not a good idea, and that there was potential for confusion. A difference comes through between the views of MPs and MSPs. It seems that the situation in Scotland was very different from the situation that we have. They had one MP and one constituency MSP, so once they decoupled, that one-to-one relationship went. MPs were concerned that that one-to-one relationship was very manageable and they envisaged that confusing it would cause difficulties for their electors. That may have influenced the MPs on the Scottish Affairs Select Committee coming to the conclusion that it did.
467. The large piece of work that was done on this issue by the Commission on Boundary Differences and Voting Systems is addressed in the paper from page 7 onwards. The commission undertook a large amount of primary research and consultation with MSPs, MPs and civil society. It concluded that it could see no reason why voters would be confused by the differences in boundaries. That said, they agreed that coterminosity was desirable, and, if it was easy to do, why not? The scenarios that it looked at are set out in page 8:
- “2 MSPs for each new Westminster constituency (2 x 59), with 11 additional MSPs ... 60 constituency members and 60 (or*
- 69) members from a regional or national list ... A hybrid system, with single member rural constituencies and multi-member seats in the cities and urban areas”.*
468. As shown on the table on page 8, the commission was not convinced that any of those solutions would work, so paragraph 3.18 of its report states:
- “there is no convincing case that having different sets of boundaries, as such, lead to any significant confusion for voters during elections, or to constituents being unclear when seeking advice and support from their elected representatives.”*
469. So the commission was clear from its research, focus groups and consultations that there was no confusion among voters, and this was after the 2005 Westminster election, for which the boundaries had changed. However, the commission, as I said, saw the desirability of not having too many different boundaries, and its solution was to focus on alignment with local council boundaries. The commission recommended:
- “The boundaries for the Scottish Parliamentary constituencies should be within and respect local authority areas rather than Westminster constituencies.”*
470. That reflects the Scottish electoral map containing 32 local authorities, which may not be at all applicable here. There was a clear focus on the fact that, although not desirable, having too many different boundaries would not create confusion. It recommended that the Boundary Commission for Scotland, which looks at Scottish Parliament boundaries, should keep a close eye on the local government boundaries and try to align the two.
471. Members will remember from the previous meeting that the Boundary Commission cannot change the number of Scottish Parliament constituencies but can change their boundaries. The Boundary Commission has produced its first report looking at the boundaries for the Scottish Parliament elections. Our paper shows that, in that report, it redrew the boundaries for the Scottish Parliament constituencies so that

- they aligned better with the council areas. That means that, of the 73 constituencies, 61 were contained in single council areas, and the remaining areas were split across two council areas. In comparison, 57 of the constituencies were previously in one council area. The thrust was to try to realign the local government boundaries with the Scottish Parliament boundaries. However, as I said, that reflects the Scottish situation and may or may not be applicable here.
472. There is a further section of the paper that I almost forgot. Members asked whether there was any indication that turnout had been affected by the change in boundaries. I probably almost forgot it because the answer is that there is no evidence of that whatsoever. The picture is also confused because significant changes took place in 2007, when the single transferable vote (STV) system was introduced for local authority elections in Scotland. The new ballot paper contained the regional and constituency members in Scotland. I think that everyone agreed that there was a lot of confusion around that 2007 election. It would be speculation to say whether that will feed into subsequent elections. Scotland has decoupled its Scottish Parliament and local government elections; they used to happen on the same day, but that has changed because it created a lot of confusion. With that, I will take questions.
473. **Mr Hamilton:** The paper is good and useful, in that it shows the various arguments and concerns that were discussed before Scotland decoupled. I am not sure whether some of the issues in Scotland directly apply here. I imagine that Scotland wanted to keep 129 Members. They wanted to keep that higher-end number. I have not detected, even since, that they want to reduce the number of MSPs. So they were quite precious about keeping 129 Members. That is not where the debate is in Northern Ireland.
474. **Mr Moore:** That drove some of the conclusions.
475. **The Chairperson:** In the absence of any other questions, are there any on last week's presentation on the electoral constituencies? If there are none, I ask you, Tim, to present your paper on the Committee Stages of Bills.
476. **Mr Moore:** I will be brief in dealing with this paper, which accompanied the Clerk and Director General's further information provided to the Committee. It looks particularly at the Committee Stages of Bills in devolved legislatures and the national Parliaments. I will quickly run through the executive summary and some of the differences.
477. The first main difference to point out is that our Second Stage debate, which is a debate on a Bill's principles, occurs in plenary. In the Scottish Parliament and the National Assembly for Wales, that debate occurs in Committee. The second difference that, again, occurs in both Wales and Scotland is that the Bill can be amended in its detailed Committee Stage. So a different Bill can emerge from the Committee, whereas, in our system, the Committees recommend amendments that are then debated and decided in plenary. Those are the two big differences.
478. The third difference is in the role of Members who are not Committee members. In Scotland, such Members can table amendments and move them. There is a somewhat similar position in Wales, whereby a Member can table amendments but only Committee members may move, seek agreement to withdraw, or vote on such amendments. Scotland has greater Member involvement in the moving of amendments.
479. The differences with the Dáil or the House of Commons are less clear. Our system broadly reflects the Committee systems there, whereby Second Stage debates on the principles of Bills happen in plenary and the detailed consideration is carried out in Committee. Those are the paper's key points.
480. **Mr Beggs:** Do you agree that an advantage in allowing a Committee

to deal with legislation as happens elsewhere would be that it would take some pressure off the main Chamber? That said, at present there is no such pressure on the Chamber.

481. **Mr Moore:** I know that the Clerk has commented on the advantages of allowing changes in the Committee Stage, but I would not comment any further.
482. **Mr Beggs:** Did you examine whether Committees have had a significant influence on Bills? The Environment Committee of which I was previously a member proposed a number of changes to the Minister who, having checked them out, then brought those changes to the Chamber. Alternatively, if they were not accepted, the Committee brought the amendments to the Chamber.
483. **Mr Moore:** The paper simply looked at the technical Standing Orders, and what Committees could do. You may well be right that, with Committees' influence, all the recommendations may well accepted, but we did not look at that.
484. **Mr Beggs:** I am just highlighting the fact that the Committee can have a significant influence.
485. **Mr Hamilton:** That is right; it is just not always seen.
486. **The Chairperson:** Members have no more questions, so thank you, Tim, for your briefing and attendance at the Committee.

12 June 2012

Members present for all or part of the proceedings:

Mr Stephen Moutray (Chairperson)
 Mr Pat Sheehan (Deputy Chairperson)
 Mr Roy Beggs
 Mr Gregory Campbell
 Mr Pat Doherty
 Mr Simon Hamilton
 Mr Raymond McCartney
 Mr Conall McDevitt

Due to time constraints, this report has not been subjected to the usual Hansard editorial process.

487. **The Chairperson:** The aim of this session is to allow the Committee to discuss and consider the final draft of the report on our review of the size of the Assembly and the draft motion for debate in the Assembly plenary sitting of the report.
488. I propose that we consider and agree the final text of the draft report, section by section.
489. Are members content with paragraphs 7 to 27 in the “Introduction” section of the report?

Members indicated assent.

490. **The Chairperson:** Are members content with paragraphs 28 to 38 in the “Committee’s Approach to the Review” section of the report?

Members indicated assent.

491. **The Chairperson:** Are members content with paragraphs 39 to 118 in the “Committee Consideration” section of the report?

Members indicated assent.

492. **The Chairperson:** Are members content with paragraphs 119 to 136 in the “Conclusions” section of the report?

Members indicated assent.

493. **The Chairperson:** Are members content with paragraphs 1 to 6 in the “Executive Summary” section of the report?

Members indicated assent.

494. **The Chairperson:** Are members content with appendices 1 to 6 of the report?

Members indicated assent.

495. **The Chairperson:** Members, the final version of the report will be proofread before it is ordered to be printed. Are members content that the Committee secretariat makes any changes to typos and the format of the report as and when necessary? These changes will not affect the substance of the report and will be purely for formatting and accuracy of text purposes.

Members indicated assent.

496. **The Chairperson:** Members, the extract of Minutes of Proceedings and Minutes of Evidence from today’s meeting will have to be included in the report. Are members content that I, as Chairperson, approve the extract of the minutes of today’s meeting for inclusion in the report?

Members indicated assent.

497. **The Chairperson:** Are members content that the first edition of today’s Hansard should be included in the report as there is insufficient time for members to review the transcript and provide comments?

Members indicated assent.

498. **The Chairperson:** The Committee secretariat has received requests that the Secretary of State and the First Minister and deputy First Minister would like to receive a copy of the final embargoed report as soon as possible. Are members content that the Committee secretariat forwards an embargoed electronic version of the

- report as soon as it becomes available, with an appropriate covering letter from me, as Chairperson, to the Secretary of State and the First Minister and deputy First Minister?
499. **Mr McDevitt:** Out of courtesy, should we not send it to all party leaders? I understand that this matter is debated at the party leaders' meetings.
500. **Mr Campbell:** For the avoidance of doubt and possible dispute in the future, how are we defining "party leaders"?
501. **Mr McDevitt:** The people who attend the party leaders' meetings.
502. **Mr Beggs:** Should we be going wider than that? It is going out to every Assembly Member before very long, so why not give it to all party leaders in the Assembly.
503. **The Committee Clerk:** For clarification, this is an earlier version. The printed hard copy will be available to all 108 Members a few days later.
504. **Mr Beggs:** The electronic version could be forwarded.
505. **Mr McDevitt:** This is a Committee of the Assembly, not a Committee of the Executive. Therefore, sending our report to the First Minister and the deputy First Minister, as heads of the Executive, and to the Secretary of State seems to me to be a bit discourteous to the other party leaders in the Assembly.
506. **The Committee Clerk:** Does the Committee mean party leaders in the Assembly?
507. **The Chairperson:** Are we agreed on that? Does that include independent members?
508. **Mr Beggs:** We should send it to every Assembly Member when it is available.
509. **The Committee Clerk:** It will be sent to them eventually.
510. **The Chairperson:** OK, including independent Members. Are we agreed?

Members indicated assent.

511. **The Chairperson:** We now move to the consideration of a draft motion for a debate of the report in an Assembly plenary sitting, which is included in members' packs. At this point, the Committee secretariat has received an indication that the day for the motion to be debated will be Monday 25 June. Are members content with the wording of the draft motion for debate in the Assembly plenary sitting?

Members indicated assent.

512. **The Chairperson:** Finally, are members content that the Committee should order its report on Part I of the review to be printed following today's meeting and that hard copies be kept to a minimum in the interests of efficiency; and are members content that a note be put in the Business Office today, signalling that a manuscript copy of the report will be laid in the Business Office by close tomorrow?

Members indicated assent.

513. **The Chairperson:** Members, I advise you that the report should be returned by the printer and distributed to all MLAs early next week. It will, of course, be embargoed until the commencement of the debate in plenary sitting, which will hopefully be confirmed today by the Business Office after its meeting this afternoon.
514. **Mr Beggs:** For clarification: when the report is complete, will we, as Committee members, get an early electronic version as well?
515. **The Committee Clerk:** Members — that is the 108 Members — have requested to receive hard copies or electronic versions. Both versions will be available.
516. **The Chairperson:** Thank you, members.



Northern Ireland
Assembly

Appendix 3

Stakeholder List, Stakeholder ‘Call for Evidence’ Paper

Stakeholder List

Political Parties of the Northern Ireland Assembly

- Alliance Party
- Democratic Unionist Party (DUP)
- Green Party (GPNI)
- Social Democratic Labour Party (SDLP)
- Sinn Féin (SF)
- Traditional Unionist Voice (TUV)
- Ulster Unionist Party (UUP)
- David McClarty, MLA (Independent)
- David McNarry, MLA (Independent)

Clerks of Relevant Parliaments

- Clerk/Director General of the Northern Ireland Assembly
- Clerk to the Welsh Assembly
- Secretary General and Clerk to the Daíl
- Clerk to the Scottish Parliament
- Clerk to the States of Jersey
- Clerk of Tynwald (Isle of Man)
- Clerk to the States of Guernsey

Academics

- Professor Robert Blackburn (Kings College London)
- Professor Paul Carmichael (University of Ulster)
- Professor Charlie Jeffrey (University of Edinburgh)
- Dr Shane Martin (Dublin City University)
- Professor Laura McAllister (University of Liverpool)
- Professor Rick Wilford (Queen's University Belfast)

Other Political Parties Registered in Northern Ireland

- British National Party
- Cannabis Law Reform
- Common Good
- Community Partnership (NI)
- Conservative and Unionist Party NI
- Eirigi
- ENG

- Fianna Fail
- Freedom Democrats
- Give our Children a Future
- Humanity
- Independent Republican
- Irish Republican Socialist Party
- Labour Party of NI
- Libertarian Party
- Money Reform Party
- Mums Army
- National Front
- Nationwide Reform Party
- People before Profit Alliance
- Procapitalism
- Real Democracy Party
- REPRESENT
- Restoration Party
- Social Party (NI)
- The Animal Protection Party
- The Independent Index
- Workers Party
- UK Independence Party
- Ulster Unionist Coalition
- Voices for Women
- You Party

26 Local Councils in Northern Ireland

- Antrim Borough Council
- Ards Borough Council
- Armagh City & District Council
- Ballymena Borough Council
- Ballymoney Borough Council
- Banbridge District Council
- Belfast City Council
- Carrickfergus Borough Council
- Castlereagh Borough Council
- Coleraine Borough Council
- Cookstown District Council

- Craigavon Borough Council
- Derry City Council
- Down District Council
- Dungannon & S Tyrone Council
- Fermanagh District Council
- Larne Borough Council
- Limavady Borough Council
- Lisburn City Council
- Magherafelt District Council
- Moyle District Council
- Newry and Mourne Council
- Newtownabbey Borough Council
- North Down Borough Council
- Omagh District Council
- Strabane District Council

Other Key Stakeholders

- Northern Ireland Local Government Association (NILGA)
- Platform for Change
- Office of the First Minister and deputy First Minister (OFMDFM)
- Committee for the Office of the First Minister and deputy First Minister

Assembly and Executive Review Committee Call for Evidence Paper

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Assembly and Executive Review Committee
Stakeholder 'Call for Evidence' paper

Section 1 Stakeholder Details			
Stakeholder Name	Telephone Number		
Stakeholder Address	Stakeholder Type (Include one or more X)		
	Registered Political Party	Local Government	
	Academic	Government	
	Legislature	Non-Government	
	Other (Please Specify)/ Member of the Public		
Please provide some background information on your role as a stakeholder			
(This box will expand as you type)			
Guidelines for Completion of Submissions			
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma.</p> <p>Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.</p> <p>Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>			

Section 2 Introduction

Powers

- 2.1. The Assembly and Executive Review Committee is a Standing Committee established in accordance with Section 29A and 29B of the Northern Ireland Act 1998 and Standing Order 59 which, amongst other powers, provide for the Committee to:
- II. make a report to the Secretary of State, the Assembly and the Executive Committee, by no later than 1 May 2015, on the operation of Parts III and IV of the Northern Ireland Act 1998; and
 - III. consider such other matters relating to the functioning of the Assembly or the Executive as may be referred to it by the Assembly.

The Secretary of State's Proposed Bill

- 2.2. The Secretary of State for Northern Ireland intends to bring forward a Northern Ireland Bill in the Third Session of Parliament. The primary purpose of the Bill is to effect changes relating to political donations in Northern Ireland. However, it also provides an opportunity to make changes to the Northern Ireland institutions where there is broad support among the parties and where Westminster primary legislation would be required, such as future amendments to the NI Act 1998. This relates directly to point II of the Committee's remit above.
- 2.3. With the Secretary of State seeking to introduce this Bill in the Third Session of Parliament, the Assembly and Executive Review Committee agreed that it would take forward an immediate review of a key area in relation to the operation of Parts III and IV of the Northern Ireland Act 1998 much earlier than planned. The proposed Bill may be the only opportunity to make institutional changes, where Westminster primary legislation would be required, prior to the next Assembly election. The Secretary of State is seeking Assembly agreed proposals for change prior to the summer recess of 2012.

Assembly and Executive Review Committee's Priorities for Review

The Committee agreed its immediate priority area for review in relation to Parts III and IV of the Northern Ireland Act 1998 at its meetings on 17th and 31st January 2012 and the Terms of Reference of its Review as follows:

- 2.4. The Assembly and Executive Review Committee will review the potential benefit of streamlining governing institutions, focusing on the number of MLAs elected to the Northern Ireland Assembly as a result of the Parliamentary Voting System and Constituencies Act 2011 and any further reductions for the next Assembly election; and on the reduction in the number of Northern Ireland departments and associated re-allocation of functions.

Phase 1 – Review Evidence Gathering

The Review will take evidence on:

- (1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link.
- (2) The implications of the forthcoming reduction (on the implementation of the Parliamentary Voting System and Constituencies Act 2011) and any further reduction in the number of MLAs;
- (3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity;
- (4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system; and
- (5) The reduction in the number of NI departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions are maintained.

Phase 2 – Consideration and Report on Number of MLAs

The Committee will consider all evidence received in relation to reducing the number of MLAs and report and make recommendations to the Assembly on these matters by early June 2012.

Phase 3 – Consideration and Report on Number of NI Departments

The Committee will consider all evidence received in relation to reducing the number of Northern Ireland departments and report and make recommendations to the Assembly in late October 2012.

Matters Outside the Scope of the Review

- 2.5. The Committee has agreed that the following issues are outside of the scope of the Review:
- Alternative electoral systems/ models; for example, additional member system or alternative vote and;
 - The statutory basis for the current committee system

Section 3

Background

This section provides brief background information on the issues being considered by the Committee as part of this review.

Current arrangements: Constituencies and Members per Constituency

- 3.1. The Belfast Agreement states that 'A 108 member Assembly shall be elected using PR-STV from existing Westminster constituencies.'
- 3.2. Consequently Section 33 of the Northern Ireland Act 1998 states that:
 - ' (1) The members of the Assembly shall be returned for the parliamentary constituencies [Westminster] in Northern Ireland
 - (2) Each constituency shall return six members'
- 3.3. There are currently 18 Westminster Parliamentary constituencies in Northern Ireland, therefore, as a direct consequence, there are 108 Members of the Legislative Assembly (MLA).
- 3.4. Legislation by the Westminster Parliament is required for s33 of the Northern Ireland Act to be changed.

The Parliamentary Voting System and Constituencies Act 2011

- 3.5. The Parliamentary Voting System and Constituencies Act 2011 reduced the number of Westminster Parliamentary constituencies from 650 to 600. As a result, the number of Parliamentary constituencies in Northern Ireland will be reduced from 18 to 16 for the purposes of the next UK Parliamentary election. Therefore, as a direct consequence mandated by s33 of the Northern Ireland Act 1998, the number of MLAs will be reduced from 108 to 96.
- 3.6. It is possible that the number of constituencies in Northern Ireland could increase following future reviews of Westminster parliamentary boundaries. However, this would require a significant drop in the number of people registered to vote in Great Britain.

Comparative Arrangements in Relation to Constituencies and 'Decoupling'

- 3.7. Unlike the Northern Ireland Assembly, the Scottish Parliamentary and National Assembly for Wales constituency boundaries are now not coterminous with Westminster boundaries. In other words, those legislatures have 'decoupled' from Westminster constituency boundaries.
- 3.8. Section 2 of the Government of Wales Act 2006 specifies that the National Assembly for Wales constituencies are the parliamentary constituencies in Wales.
- 3.9. Section 13 of the Parliamentary Voting System and Constituencies Act 2011(PVSC Act) amended that section to provide that the Assembly constituencies are the constituencies specified in the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006, as amended. The effect is that any future changes to Parliamentary constituencies made under the new rules introduced by the PVSC Act 2011 will not change Assembly constituencies.
- 3.10. The Scottish Parliament (Constituencies) Act 2004 removed the statutory link between the Scottish Parliamentary constituencies and those for the House of Commons. As a result the number of MSPs remained at 129, even when the number of MPs was reduced.
- 3.11. If the Assembly were to 'decouple' from Westminster boundaries, legislation by the Westminster Parliament is needed (reference paragraphs 3.1-3.4).

Reducing the Number of MLAs and Maintaining Effectiveness

3.12. Issues (3) and (4) of the Terms of Reference relate to the number of MLAs required for the Assembly to function effectively and for those elected individuals to discharge their full range of constituency and parliamentary functions. The key functions of the Assembly include:

- Representing the key interests of the people;
- Holding the Executive to account;
- Advising and assisting the Executive
- Scrutinising and approving the budget; and
- Making and passing legislation

3.13. In addition to statutory functions, increasing importance has also been attached by the Assembly to ensuring that it effectively engages local people in its operations.

3.14. MLAs cover a variety of business areas and communities, including constituency business, plenary business in the Chamber, participation in Assembly Committees and other commitments such as all-party groups.

3.15. Reducing the number of MLAs will have implications for both parliamentary and representative functions. These need to be considered and proposals are required to assist in sustaining effectiveness.

The Committee System

3.16. The Committee system is recognised as being a crucial component of modern parliamentary systems and is particularly important in unicameral legislatures such as the Assembly. The current committee system is a product of the Northern Ireland Act 1998 (as amended) and the Assembly's Standing Orders. As might be expected the Northern Ireland Act requires the Assembly's Standing Orders to make provision for establishing 'statutory committees.'

3.17. The Belfast (Good Friday) Agreement states in paragraph 9 of Strand One 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'.

3.18. Section 29 of the Northern Ireland Act 1998 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'. It also confers on these committees the powers described in paragraph 9 of the Belfast Agreement.

3.19. The Northern Ireland Act 1998 also makes provision for Standing Committees such as the Assembly and Executive Review Committee and the Audit Committee, with Standing Orders providing for a number of further committees to assist the Assembly in discharging its functions.

The Number of Northern Ireland Departments

3.20. Section 17(4) of the Northern Ireland Act 1998 allows for up to 10 Ministers with departmental responsibilities, although this can be amended [for example, the Northern Ireland Act 1998 (Amendment of Schedule 3) Order 2010 allowed for the transfer of policing and justice functions]. Under section 21(3) of the 1998 Act, a department under the First and deputy First Minister is not included in the 'up to 10' Ministers figure. The current number of government departments was arrived at following inter-party negotiations, primarily between the UUP and SDLP, which were concluded on 18 December 1998. The subsequent report from the First Minister (Designate) and Deputy First Minister (Designate) stated:

'We have agreed that there should be an Office of the First Minister and Deputy First Minister and ten Departments, which taken together will be responsible for the work of the current six Northern Ireland Departments. The new Departments and corresponding Ministerial offices will be:

- Agriculture and Rural Development
- Environment
- Regional Development
- Social Development
- Education
- Higher and Further Education, Training and Employment
- Enterprise, Trade and Investment
- Culture, Arts and Leisure
- Health, Social Services and Public Safety
- Finance and Personnel'

3.21. The Departments (Northern Ireland) Order 1999 established new Northern Ireland Departments and renamed some departments. The six departments at the time of the Belfast Agreement were agriculture, economic development, environment, education, health and social services, finance and personnel.

3.22. Since 1999, a number of Transfer of Functions Orders have reassigned certain functions to other Departments, but the number of Departments did not change until the establishment of the Department for Justice under the Department of Justice (Northern Ireland) Act 2010.

3.23. It is within the remit of the Assembly and Executive Review Committee to report on Executive structures. The Executive is also considering streamlining departments through its Efficiency Review Panel. The Committee expects to receive an update on this work in due course, but wishes to receive evidence in relation to the number of departments and reallocation of functions.

3.24. In January 2012, it was announced that the Office of the First Minister and deputy First Minister will ask officials to make arrangements to prepare the necessary Assembly legislation to abolish the Department of Employment and Learning (DEL) and transfer its functions. Furthermore, the Office announced that it is seeking views from key stakeholders and interested parties on how functions implemented by DEL should be transferred to other departments in the most appropriate manner.

Further Information

3.25. Stakeholders will wish to refer to the Research and Information Service (RaISe) research papers (listed below), produced for the Committee in respect of its review of Parts III and IV of the Northern Ireland Act 1998. Research papers can be accessed on the Assembly and Executive Committee's webpage: <http://www.niassembly.gov.uk/assembly-business/committees/2011-2016/assembly-and-executive-review-committee/research-papers/>.

3.26. Research papers:

- Update Paper on Size of Assembly;
- Size of the Northern Ireland Assembly;
- Further Information Relating to the Structure of the Northern Ireland Assembly;
- Electoral Systems for the Scottish Parliament and National Assembly for Wales;
- The Size of the Assembly and Number of Government Departments (including Efficiency Review Panel);
- Parliamentary Voting System and Constituencies Bill;
- The Parliamentary Voting System and Constituencies Act 2011.

Section 4 Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider	
(1)	<p>Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link</p> <p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p> <p>(This box will expand as you type)</p>
(2)	<p>The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs</p> <p>What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?</p> <p>A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?</p> <p>Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?</p> <p>(This box will expand as you type)</p>
(3)	<p>The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.</p> <p>What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?</p> <p>Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?</p> <p>What factors should the Committee take into account when deciding on the size of the Assembly?</p> <p>(This box will expand as you type)</p>
(4)	<p>Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system</p> <p>Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.</p> <p>In particular, what changes would you propose to ensure a robust and effective committee system?</p> <p>(This box will expand as you type)</p>
(5)	<p>The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained</p> <p>How many departments are required to effectively discharge the current range of devolved functions?</p> <p>In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?</p> <p>(This box will expand as you type)</p>
Section 5 Additional Information	
<p>Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.</p> <p>(This box will expand as you type)</p>	

Section 6 Contact Details

All responses should be sent by email please to:

The Committee Clerk Tel: 028 90521787 or

Tel: 028 90521787 or

Assembly and Executive Review Committee	028 90521928
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028 90521928

Room 375

Parliament Buildings

Ballymiscaw	
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Belfast	
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BT4 3XX

To arrive no later than 28th March 2012

Email: committee.assembly&executivereview@niassembly.gov.uk

Thank you for your submission



Northern Ireland
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Appendix 4

Stakeholder Submissions

Summary Analysis of Written Submissions to AERC Review

Issues as set out in the 'Call for Evidence' paper	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
Issues as set out in the 'Call for Evidence' paper (in full)	(1) Whether the statutory link between Westminster and NI constituencies should be removed and the implications of removing or retaining this link (advantages and disadvantages of 'decoupling'; supporting evidence for view; and if the link with Westminster constituencies should be retained/removed, etc.)	(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs (implications of the reduced number of MLAs; and further reduction in number of MLAs per constituency, etc.)	(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity (appropriate size of Assembly; comparable arrangements elsewhere; and factors to take into consideration when deciding the size, etc.)	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including proposals to ensure a robust and effective committee system (mitigating the impact of reducing the number of MLAs on the effectiveness of the Assembly; and ensuring a robust and effective committee system, etc.)	(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained (how many departments are required to effectively discharge the current range of devolved functions; and what functions should be grouped together, etc.)	Additional information which you believe will be of assistance to the Committee during the course of the Review.

Issues as set out in the 'Call for Evidence' paper	Parties of the Northern Ireland Assembly	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
Alliance Party		<p>'The Alliance Party are aware of the arguments for both decoupling and continuing with the existing statutory link. Given the debate around this issue we feel it would be best dealt with at the leaders meeting.'</p> <p>'Irrespective of whichever decision is taken on the statutory link it is essential that the need for simplicity and consistency for the electorate is kept as the main concern.'</p>	<p>'The Alliance Party is supportive of a reduction in the number of MLAs. The reduction in the number of constituencies represents a good opportunity to do this. On the basis of a move from 18 to 16 constituencies the Assembly would be reduced in size from 108 to 96 MLAs. We would be supportive of a further decrease by reducing the number of MLAs per constituency from 6 to 5; providing an Assembly with 80 Members.'</p>	<p>'There is no evidence to suggest that 80 would be insufficient to ensure the effectiveness of the Assembly particularly if a streamlining of the Executive happened concurrently.'</p> <p>'With a reduction in the number of MLA there should be no discernible drop in the level of governance. An example of this is Scotland, where the Parliament has similar powers to the NI Assembly and fewer MSPs per head of the population.'</p>	<p>'In order to ensure a reduction in MLAs does not adversely impact on the ability of Committees to carry out a robust scrutiny role a rationalisation of the number of Government Departments from twelve to eight should be undertaken, this will decrease the number of Committees, as per our previous answer.'</p> <p>'The Alliance Party would restructure Committees in line with a rationalisation of the number of Departments, our suggestions for reducing the number of Departments are outlined in the answer to Question 5.'</p>	<p>'Alliance argues that eight Departments, and therefore Committees could be established as follows: OFMDFM; Economy; Finance and Personnel; Justice; Health and Social Services; Education; Environment and Rural Development and Urban and Social Development. Proposals for structure of Departments are set out in full submission.</p>	<p>'At this point we would like to note our disappointment that the AERC Committee, as part of this review, are not considering other reforms to the structures, such as the removal of Assembly Designations, in time for the forthcoming Northern Ireland legislation.'</p>

<p>Issues as set out in the 'Call for Evidence' paper</p> <p>Alliance Party (continued)</p>	<p>(1) The statutory link between Westminster and NI constituencies...</p>	<p>(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...</p> <p>'Alliance would caution against going below five members per constituency. At below five, proportionality begins to be lost. This is seen in elections to the Dail, which can be on the basis of 3, 4 and 5-seat constituencies. Proportionality is particularly critical in a deeply divided society such as ours.'</p> <p>'Five MLAs per constituency may also be more reasonable from a cost perspective.'</p>	<p>(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...</p> <p>'A streamlining of the Executive and the resulting reduction in Government Departments would lead to a reduction in the number of Statutory Committees within Stormont and therefore less MLA's would be needed to cover the number of Committee places available.'</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...</p>	<p>(5) Reduction in the number of NI Government departments and associated re-allocation of functions....</p>	<p>Additional information</p>
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Issues as set out in the 'Call for Evidence' paper	Democratic Unionist Party (DUP)	(1) The statutory link between Westminster and NI constituencies...	Submission does not cover this area.	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	Submission does not cover this area.	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	'We propose that the number of MLAs should be reduced to 4 or 5 per constituency and a maximum of 80 from the 2015 Assembly election.'	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	'One of the flaws of the present system of government is the lack of a formal Opposition. This is primarily because any Party with over 10 MLAs is likely to be entitled automatically to a seat in the Executive. There is however no obligation on a Party to take up its place in the Executive – any party is entitled to forgo this and form an Opposition.'	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	'We propose that the number of Departments should be reduced to 6-8...' 'OFMDFM would be reconstituted as the Executive Office with its concentration on dealing with Executive business and including responsibility for many of the central or cross- Governmental functions.'	Additional information	'We believe that in the long-term, the best means of governing Northern Ireland would involve a voluntary coalition Executive and weighted majority voting of around 65% in the Assembly, resulting in an end to Community Designation. This system could provide for both an Executive and an official Opposition which would be consistent with normal democratic institutions while accepting the particular circumstances of Northern Ireland.'
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Issues as set out in the 'Call for Evidence' paper	Democratic Unionist Party (DUP) (continued)	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
					<p>'However, pending changes to the present configuration, the Departmental Committees have an important role to play in holding Ministers and Departments to account.'</p>	<p>In addition there would be seven ordinary Departments: Department of the Economy and Business; Department for Education; Department of Health and Social Services; Department for Regional Development; Department of Justice; Department of Communities and Social Welfare and a Department of Agriculture, Environment and Rural Development.</p> <p>Full proposals for structure of Departments are set out in full submission.</p>	<p>'This should be the long-term goal of all of the Parties in Northern Ireland. However, we must be realistic about the ability to achieve it in the short-term. While voluntary coalition would undoubtedly improve the performance of devolution in Northern Ireland, it would be a mistake to assume it is a panacea to all of the problems that we face.'</p>

Issues as set out in the 'Call for Evidence' paper	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011....	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
Green Party (GPNI)	<p>'GPNI is committed to a smaller Northern Ireland Assembly elected either by (1) a form of multi-member constituency PR-STV with a "top-up" regional list or (2) an Alternative Member System with single member constituencies and a single Northern Ireland Regional Constituency.'</p> <p>'Not only would we welcome a decoupling of Assembly boundaries from Westminster boundaries but, clearly, we believe there should be a complete redesign of how the Assembly is elected. New constituencies should be built in a "bottom up" fashion from new Local Government electoral wards and council boundaries.'</p>	<p>'...we believe the reduction to 96 members will not have an adverse impact on the operation of the assembly.'</p> <p>'Reducing the Assembly below 96, under the current electoral system, severely limits the key representative function of MLAs and should not be countenanced whatever the minimal cost savings that might result. A reduction below this number, 6 per constituency, should only be undertaken in parallel with a decision on more representative electoral systems.'</p>	<p>'The representative function of the Assembly is critically linked to the method of election of its Members'.</p> <p>'We believe a representative Assembly of 80 members, elected under a new electoral system, would be adequate to perform the legislative and scrutiny functions required of it.'</p> <p>'Considering the numbers of MLAs who are also elected councillors, and indeed MPs, it could be argued that the Assembly is already operating at below 108 member effective capacity.'</p>	<p>'GPNI believes that there should be a fundamental review of the Assembly committee system in the context of a reduced number of Government departments.'</p> <p>'With regard to the effective running of committees, specific proposals that we support include: (1) A reduction in the number of members per statutory committee to 9; (2) A prohibition on committee Chairs from holding any other committee position (as well, of course, as seats on local councils or at Westminster); (3) Strong consideration to be given to a standing order provision that</p>	<p>'GPNI provides two models of Government departments/ministers addressing two different scenarios.'</p> <p>'The first scenario is an incremental approach, assuming the constraint of mandatory coalition enshrined in the Good Friday Agreement. This scenario proposes 10 government departments'.</p> <p>'The second scenario is our view of the thematic portfolios that should be allocated within the context of an Executive formed as an 'agreed' collation. This scenario would have 7 government ministers in addition to a First Minister acting as head of government.'</p>	No comments.

Issues as set out in the 'Call for Evidence' paper	Green Party (GPNI) (continued)	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
				<p>'The (AERC) Committee should consider adopting a position of strict opposition to multiple electoral mandates being held by Assembly members.'</p>	<p>a committee vacancy must be allocated to an MLA without any committee responsibility in preference to an MLA with an existing committee responsibility; (4) Scheduling of both standing and statutory committee business so that it does not clash with Assembly plenary business and;(5) The merging of the Audit and Public Accounts standing committees.'</p> <p>'In the scenario of a 96 member Assembly with 10 statutory committees; we expect there will be absolutely no impact on the effectiveness of Assembly committee operation.'</p> <p>'Focus on an overarching planned legislative programme...'</p>	<p>'We emphasise that it is our position that the move towards an "agreed Executive" with a formal opposition would be a substantive change to the Good Friday Agreement and must be endorsed by the people through a referendum.'</p> <p>Full submission details the suggested structure of government and departments.</p>	

Issues as set out in the 'Call for Evidence' paper	<p>(1) The statutory link between Westminster and NI constituencies...</p> <p>'We believe that very serious consideration should be given to whether the statutory link between Westminster and Assembly constituencies is in the best interests of our region. We have raised previously the fact that there is nothing to say that, in future, the number of Westminster constituencies could not go back up again. Therefore, you would have a situation where the Assembly numbers could be forced down and forced up and then forced down and up again on a four- or five-year cycle to follow the vagaries of population spreads across the UK as a whole. That certainly</p>	<p>(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...</p> <p>'There will be an automatic reduction of the Assembly from 108 to 96 Members should the Act become law. The further implication is that it leaves the question about the size of the Assembly only partially in the hands of this Assembly, because another part of the decision-making framework will remain, unless we take a decision to decouple, outside of our hands — something that we do not believe is necessarily in the best interests of this region.'</p> <p>'We believe that any future negotiations about the size of the Assembly should take place in the context of the Assembly reflecting on the best interests of this region.'</p>	<p>(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...</p> <p>'The best advice suggests that anything below 96 would make it very difficult for MLAs to continue to properly scrutinise the current architecture of government, which raises the question around the number of Departments. We have long argued that it should not be a numerical debate, but one around need.'</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...</p> <p>Did not cover this area.</p>	<p>(5) Reduction in the number of NI Government departments and associated re-allocation of functions....</p> <p>'We have recommended significant reform in the Office of the First Minister and deputy First Minister (OFMDFM), the creation of a single economy Department, a new Department for energy and sustainability, a new Department for learning and a community housing and local government Department.'</p>	<p>Additional information</p> <p>'We have long believed that a review such as this should deal with the issue of nomenclature in the Office of the First Minister and deputy First Minister. We believe that this is an opportunity to agree to call that office what it is, which is the office of the joint First Ministers.'</p>
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Issues as set out in the 'Call for Evidence' paper	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
<p>Social Democratic Labour Party (SDLP) (continued)</p> <p>*all views are from verbal presentation at Committee meeting</p>	<p>would not be in the interests of this region and would not be conducive to political stability or to a good relationship between constituents and their public representatives at Assembly level.'</p> <p>'So, we would be very keen for this body, the Assembly and Executive Review Committee (AERC), to reflect on that and to speak with some authority on the matter in the report.'</p>					
Sinn Féin (SF)	<p>'Sinn Féin would consider options to decouple Westminster constituencies to replicate RPA as part of any overall review.'</p>	<p>'Reductions in representation could potentially marginalise smaller parties and independents.'</p> <p>'Sinn Féin want an inclusive Assembly as possible - We will consider all options that reflect the inclusiveness and equality envisaged by the GFA.'</p>	<p>'Sinn Féin is committed to adequate representation for all groups and communities within our society. The current political institutions and arrangements, as established under the GFA are unique to our society which is in a post-conflict stage.'</p>	<p>'There is no evidence that a reduction in MLAs would impact on the effectiveness of the Assembly, however it would likely have an impact on smaller parties and marginalised groups within our society.'</p>	<p>'We are not opposed to a reduction in the number of departments.'</p>	No comments.

Issues as set out in the 'Call for Evidence' paper	Traditional Unionist Voice (TUV)	(1) The statutory link between Westminster and NI constituencies...	'There is no compelling reason to keep the present link between the Westminster and Northern Ireland Assembly constituencies.' '12 constituencies, each returning 6 members, would give an appropriately sized Assembly.'	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	'There can be no justification for 108 MLAs, and while 96 is better it is still too many for this small region.' '72 would be an appropriate number produced by 6 MLAs from each of 12 Northern Ireland constituencies.'	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	'The correlation between reducing the number of MLAs and the number of departments is obvious. If the departments were reduced to 6, 72 MLAs would be more than adequate.'	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	'The key mitigating factor in regard to reducing the number of MLAs is a corresponding reduction in the number of departments. With 6 departments scrutiny committees of 10/11 members each is possible.' 'The statutory basis of the scrutiny committees needs to be changed from their functions being to "advise and assist" ministers and departments to "scrutinise and hold to account" ministers and departments.'	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	'Six, plus First Minister's Office' Full submission includes suggestions for the structure of departments.	Additional information	'Basic changes to the structures of government are required to enhance democracy' 'The fundamentals of the electorate being able to change its government and have an Opposition in the Assembly are imperatives. Thus mandatory coalition must go with, after each election, those who can agree a PFG and command the requisite majority forming the government, and those who can't - whoever they might be - forming the Opposition.' 'The dysfunctional office of the OFMDFM should be abolished with the single position of the First Minister filled as part of the negotiations leading to the formation of government.'
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Issues as set out in the 'Call for Evidence' paper	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
<p>Ulster Unionist Party (UUP)</p>	<p>'The Ulster Unionist Party is not in favour of decoupling from the Westminster constituency model for Assembly elections.'</p> <p>'Firstly, it has the potential to create unnecessary confusion as the public would be faced with three differing boundary sets given the new 11 council model, the Westminster Constituencies and decoupled Assembly constituencies.'</p> <p>'Secondly, this would mean that the existing discrepancies with the variation of representation of the current constituencies would continue despite population changes.'</p> <p>'Thirdly, the link with Westminster constituencies is an</p>	<p>'The Ulster Unionist Party is mindful of the fact that under the Parliamentary Voting Systems and Constituencies Act 2011, Northern Ireland's representation at Westminster is to be reduced from 18 to 16, and that each constituency should have an average number of electors of 76,641'.</p> <p>'This reduction in Westminster constituencies will result in a decrease of 12 MLA's under the current legislation. It is also expected that there will be a considerable reduction in local councillors with the proposed new local government model. We view this review as another step on the journey, not</p>	<p>'The effective scrutiny of Ministers and their Departments needs sufficient members for the corresponding Statutory Committees. In addition, an adequate number of members need to be available for Standing Committees.'</p> <p>'The actual number of members required to operate the Committees will be dependent on the number of Departments and numbers on Committees.'</p>	<p>'The Ulster Unionist Party supports the reduction to 96 MLA's. With a reduction in Departments, as contained within the Programme for Government, there will also be a need for fewer statutory Committees. We believe this could be achieved with minimal disruption to the current Committee structure.'</p> <p>'In order to ensure that Committees remain effective with fewer MLA's we believe it is important to maintain a sufficient level of research and support services.'</p> <p>'The Ulster Unionist Party are content with the current membership number of 11 within each committee, however,</p>	<p>'The Ulster Unionist Party has called for a review of government Departments for some considerable time and we would like to see a reduction to a maximum of 8 (plus OFMdfM).'</p> <p>'The Independent Review of Economic Policy (IREP) proposed the creation of a single Department of the Economy to spearhead Northern Ireland's economic recovery. Given that the economy is the number one priority of the Executive, we have called for this to happen immediately and before the review of strand one institutions.'</p>	<p>'It must be noted that any changes to government structures should be looked at in a holistic manner. Any reductions in the number of MLA's and Departments or changes to the Committee system or constituency makeup are linked and must be considered concurrently.'</p> <p>'The Ulster Unionist Party therefore reserves the right to make decisions based on the specific circumstances of the particular time.'</p>

<p>Issues as set out in the 'Call for Evidence' paper</p> <p>Ulster Unionist Party (UUP) (continued)</p>	<p>(1) The statutory link between Westminster and NI constituencies...</p> <p>important one which the Ulster Unionist Party would be reticent to break given Northern Ireland's integral place within the Union.'</p>	<p>(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...</p> <p>the destination. The Belfast Agreement in 1998 was about inclusive government and the reduction by 12 MLAs will make for more effective government. It is important to embed this change before taking the next step.'</p>	<p>(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...</p> <p>we recognise that this would be likely to alter given the reduction of MLAs and if there are further reductions in the number of departments.'</p> <p>'We would argue that more accountable government should be created which, whilst continuing to require cross community support, could allow the electorate to determine those who would be in government and those who would not. We believe that evolution to more normal democratic structures and accountability should also be considered by the AERC Committee under the current review.'</p>	<p>(5) Reduction in the number of NI Government departments and associated re-allocation of functions....</p> <p>'Further to that we are committed to engaging in the debate over the number of government Departments which would bring about the most effective governance of Northern Ireland.'</p>	<p>Additional information</p>
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<p>Issues as set out in the 'Call for Evidence' paper</p> <p>McNarry, David MLA (Independent)</p>	<p>(1) The statutory link between Westminster and NI constituencies...</p> <p>'The Northern Ireland Assembly is a devolved institution deriving its power from the Westminster Parliament which is sovereign. Due to this, I believe it would be inappropriate to decouple the Assembly seats from Westminster Parliamentary constituencies.'</p> <p>'With 16 Westminster seats this indicates either 5 or 6 seats per constituency.'</p> <p>'as the number of departments is being reduced from 12 to 8, a reduction of a third. A similar reduction in the number of MLAs would indicate 72 MLAs.'</p>	<p>(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...</p> <p>'There are two problems which arise from a reduction in the total numbers of MLAs. One is the need to have sufficient MLAs to service the Assembly committees. With the reduction in the number of departments, this problem is eased. The other is the difficulty which arises when minority communities – unionists west of the Bann and nationalists east of the Bann – do not have any representation in the Assembly. These factors have to be balanced since minority representation is a key part of inclusiveness.'</p>	<p>(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...</p> <p>'The effectiveness of the Assembly is more related to the work that it does than to the number of committees, though this latter is important. There needs to be an optimum number decided on for the committees which reflects the workload and the need to maintain political balance.'</p> <p>'Committees should, in my view, be engaged on a major programme of legislative revision. I believe this would have the effect of making the Assembly more of a working body and less of a debating chamber.'</p> <p>'Committees should, in my view, be engaged on a major programme of legislative revision. I believe this would have the effect of making the Assembly more of a working body and less of a debating chamber.'</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...</p> <p>'Committees should, in my view, be engaged on a major programme of legislative revision. I believe this would have the effect of making the Assembly more of a working body and less of a debating chamber.'</p> <p>I believe the public would approve of this and it would increase respect for the Assembly.'</p>	<p>(5) Reduction in the number of NI Government departments and associated re-allocation of functions....</p> <p>'There should in my view by seven or eight departments – a department of the economy, a department of finance, a department of education and skills, a department of agriculture, a department of tourism and culture, a transport ministry and a housing ministry. The First Minister's department could be combined with the department of finance, which would reflect where the power lies in government.'</p>	<p>Additional information</p> <p>No comments</p>
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Issues as set out in the 'Call for Evidence' paper	McNarry, David MLA (continued)	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
		'By keeping a link to the 16 Westminster constituencies this indicates a total of 80 MLAs with 5 members in each.'	'I believe there would be considerable public opposition to retaining the existing 6 member constituencies. There is a perception that the province is over-governed and over-regulated.'				
Key Stakeholders – Clerks of relevant parliaments							
Clerk/Director General of Northern Ireland Assembly		'This is not a matter which would seem to fall within my area of expertise or responsibility and I do not therefore propose to comment.'	'In parliamentary terms the key implication of the Act and any further reduction in the number of MLAs will be a reduction in the Member time available to undertake parliamentary functions.'	'The Committee will therefore wish to consider the implications of the reduced number of MLAs in terms of the capacity of the Assembly and its members to deliver the full range of functions of the Assembly and whether in reducing the number of MLAs or the number of MLAs per constituency it will have implications for specific functions.'	Highlights a piece of work that a project team completed in 2010 regarding the activity and outputs of committees, in consultation with Members and their staff. Submission also details the work that is ongoing to improve performance in the Assembly.	'This is not a matter which would seem to fall within my area of expertise or responsibility. The only comment that I would make is that a reduction in the number of departments will impact on statutory committees, though as indicated previously, the legislative and policy output for consideration by the Assembly is unlikely to be affected.'	'When it comes to implementation of any recommendations on institutional reform careful consideration will need to be given to the organisational and financial implications for the Assembly Commission of proposed changes.'

Issues as set out in the 'Call for Evidence' paper	Clerk/Director General of Northern Ireland Assembly (continued)	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
		<p>Main/core functions of a legislature listed in full submission.</p> <p>'If the number of MLAs reduce, in order to sustain effectiveness it will be necessary to identify new approaches which maximise the contribution of Members to key parliamentary roles and enable Members' time to be utilised to greatest effect. This is likely to require significant reform to current arrangements and careful consideration by Members in relation to balancing their various roles and prioritising the work that they undertake.'</p>	<p>'The size of the Assembly is only one, though an important one, of many institutional factors in determining whether the roles and functions of the Assembly as described in section 2 can be delivered effectively. Other such factors include the powers of the Assembly and its committees, representativeness of the committee system, parliamentary procedures, the resources available to the legislature, relationship between the parliament and the Executive, etc.'</p>	<p>Makes the suggestion that, 'investing in the continuing professional development of Members, and indeed staff, has the potential to make a significant contribution to effectiveness.'</p> <p>Also suggested that 'a reduction in the numbers of Members should result in a detailed review of the Committee system.'</p> <p>Full submission lists key issues to consider in relation to Committee effectiveness.</p> <p>'I would strongly encourage an early start being made on a review of the committee system'</p>			<p>'A reduction in the number of MLAs is likely to result in some direct financial savings. However, there is likely also to be a need for investment in new initiatives to ensure that in reforming the institution's effectiveness is sustained and where practical enhanced.</p> <p>This will be challenging in the context of a budget which is reducing in cash terms by 8.9% by 2014/2015 and a staffing complement which is reducing to 375 by 2014/2015. Further consideration of staff and financial resources to support reform objectives and to sustain performance of the Assembly will be required.'</p>

Issues as set out in the 'Call for Evidence' paper	(1) The statutory link between Westminster and NI constituencies....	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011....	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
Clerk/Director General of Northern Ireland Assembly (continued)			<p>'A particular issue for consideration, which the Committee has rightly identified is the importance of an effective committee system in unicameral parliamentary systems. This is dealt with in more detail under Section 4, but maximising the contribution made by Members to scrutiny, policy and legislative development through the committee system is likely to be of the utmost importance in sustaining Assembly performance.'</p> <p>Submission also details 'Reform elsewhere' in terms of the House of Commons Reform Committee report of 2009.</p>	<p>'If statutory committees are covering a wider range of functions, perhaps with less Members, it may be necessary to consider new innovations within the committee system to enable the public to put the issues of importance to them on the Assembly's agenda.'</p> <p>'If a review of the committee system is to be undertaken, it may also be timely for the Assembly to consider whether it would wish to enable committees of the Assembly, in line with other devolved legislatures, to have the power to make amendments directly during a committee stage.'</p>		

<p>Issues as set out in the 'Call for Evidence' paper</p> <p>Chief Executive/Clerk to the Welsh Assembly</p>	<p>(1) The statutory link between Westminster and NI constituencies...</p> <p>Submission provides a factual account of the electoral system and decoupled position in Wales.</p> <p>'The Parliamentary Voting System and Constituencies Act 2011 de-coupled National Assembly for Wales constituencies from Parliamentary constituencies. The latter will be reduced to around 30 in Wales.'</p> <p>'...the Boundary Commission won't be reporting on the new constituencies until October 2013...' From then on there will be two different sets of constituency - Parliamentary ones and Assembly ones. There are currently no plans, or mechanisms, to revise the boundaries of Assembly constituencies.'</p>	<p>(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...</p> <p>No comment.</p>	<p>(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...</p> <p>Submission provides a factual account of the number of Members in Wales.</p> <p>'The National Assembly for Wales is made up of 60 elected Assembly Members. 40 are chosen to represent individual constituencies, and 20 are chosen to represent the five regions of Wales.'</p> <p>'Assembly Members represent their area as a member of a political party or as an independent.'</p> <p>'Effective scrutiny of a government's work is at the heart of any democratic process, and this work is undertaken by the National Assembly for Wales through a number of Committees made up of Assembly Members from all political parties.'</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...</p> <p>Submission provides a factual account of Wales' committee system. Provides the details of the previous committees in Wales, the current system, the remit of the current committees, powers, etc.</p> <p>'In 2011, the Assembly 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. In June 2011, the National Assembly for Wales established five (subject) committees to carry out these functions (listed in full submission)...</p>	<p>(5) Reduction in the number of NI Government departments and associated re-allocation of functions....</p> <p>No comment.</p>	<p>Additional information</p> <p>No additional comment.</p>
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Issues as set out in the 'Call for Evidence' paper	Chief Executive/ Clerk to the Welsh Assembly (continued)	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
					<p>'Five additional committees have been established to undertake other functions specified in Standing Orders.' (again, listed in full submission).</p> <p>A further committee, the Business Committee is responsible for the organisation of the Assembly.'</p> <p>'The five subject-based committees have been established with sufficiently large memberships (10) 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 allows policy and legislative work to take place simultaneously.'</p>		

Issues as set out in the 'Call for Evidence' paper	Secretary General and Clerk of the Dáil	(1) The statutory link between Westminster and NI constituencies...	Submission does not cover this area	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	Submission does not cover this area	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	Submission provides a factual account of the changes to the Houses of the Oireachtas. 'A Constituency Commission will now recommend Dáil constituencies based on a reduced number of TDs between a minimum of 153 and a maximum of 160. Previously, the range was 164 to 169.' 'The programme for Government contains a proposal that a Referendum be held to abolish the second House of the Oireachtas (Seanad Éireann) and the referendum is likely to be held next year.'	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	Factual account of downsizing the number of Committees in 31st Dáil and effects. 'In the 30th Dáil there were 23 Committees.' This was reduced to 14 Committees in the 31st Dáil. 'To achieve this reduction the functions of Committees were merged. Six of the seven sectoral Committees are covering the work of more than one Department. Three of these Committees are shadowing the work of three Departments and three are shadowing the work of two Departments respectively.'	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Submission does not cover this area	Additional information	Full submission provides comprehensive tables on Committee structures and costs.
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Issues as set out in the 'Call for Evidence' paper	Secretary General and Clerk of the Dáil (continued)	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
					<p>'The Committee covering three Departments have 27 Members each, whereas the sectoral Committee covering one Department has 15 Members.'</p> <p>'Some of the consequences of the new structure for Committees are as follows: Greater number of meetings; longer meetings; low participation rates; uneven focus of the work; administration issues.'</p> <p>Full submission states there are weaknesses in the new structure for Committees.</p>		

Issues as set out in the 'Call for Evidence' paper	Secretary General and Clerk of the Dáil (continued)	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
					<p>'It is proposed to restructure a number of the larger Committees. The proposal is to increase the number of sectoral Committees from 7 to 9. With one exception it is proposed that each Committee will track no more than 2 Departments and that membership of a Committee will be restricted to a maximum of 21 Members.'</p> <p>Full submission includes an appendix with tables regarding Committee configurations, Committee meetings, salaries, costs etc.</p>		

<p>Issues as set out in the 'Call for Evidence' paper</p> <p>The Clerk of the States of Jersey</p>	<p>(1) The statutory link between Westminster and NI constituencies...</p> <p>'I do not believe it would be appropriate for me to comment on this question.'</p>	<p>(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...</p> <p>'I do not believe it would be appropriate for me to comment on this question.'</p>	<p>(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...</p> <p>Gives a summary of the changes to the States' government system with the establishment of Ministers and Assistant Ministers and parallel parliamentary scrutiny committees. The parliamentary scrutiny committees and a PAC are always required to have a larger number of non-executive members which have the task of holding Ministers and Assistant Ministers to account. Jersey has no tradition of political parties and all members serve as independents.</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...</p> <p>'Take care to ensure that there are sufficient members available to serve on committees so that the committee system remains robust and effective.'</p>	<p>(5) Reduction in the number of NI Government departments and associated re-allocation of functions....</p> <p>'I do not think I can usefully comment on this matter.'</p>	<p>Additional information</p> <p>No comments</p>
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Issues as set out in the 'Call for Evidence' paper	Key Stakeholders – Academics	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
Galligan, Yvonne (Doctor) – Centre for Advancement of Women in Politics, Queen's University Belfast	<p>'The matter of decoupling does not raise particular difficulties from the point of view of ensuring gender equity in political representation.'</p> <p>'Perhaps the key issue to consider here is whether future revisions to either the Assembly size or constituency size will be determined by further boundary adjustments or increases/reductions in constituency seats while keeping constituency boundaries intact'.</p>	<p>'Reducing the number of MLAs....raises quite a number of concerns from a gender equity perspective. There is the strong possibility of women's representation being reduced with the reduction in MLA seats. Countering this potentially delegitimizing outcome as a result of seat-reduction is a matter for the political parties'</p> <p>'...in 2011, female representation in the Scottish Parliament was 35%, and in the Welsh Assembly stood at 41%. It is clear that these elected bodies are more reflective of the composition of the</p>	<p>'There is a need to balance a numerical reduction with more efficient use of legislative time and process. In addition, the inclusivity requirement is also a gender-related one, especially in terms of the nature of the issues on the Assembly's agenda and the range of perspectives brought to bear on any one issue.'</p>	<p>'No specific proposals beyond encouraging consideration of a rationalisation of committees, scheduling and tasks'.</p>	<p>'As with the number of MLAs, the decision on how many Departments is enough to conduct Executive business is more of an art than a science. However, Departments should take the gender perspective on the policies under their aegis into account as an integral function of their work.'</p> <p>'OFMDFM have an important co-ordinating role to play, and awareness-raising of making policy relevant to male and female interests.'</p>	<p>'The gendered nature of politics and parliaments is a subject of extensive study, and I can provide a range of sources if this is required. As a starting point, the IPU study on gender-sensitive parliaments is a useful resource.'</p>	

Issues as set out in the 'Call for Evidence' paper	Galligan, Yvonne (Doctor) – Centre for Advancement of Women in Politics, Queen's University Belfast (continued)	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011... general population than is the NI Assembly, and one could argue, more legitimate in its decision-making as a result. 'I would advocate the retention of 6 seat constituencies, or a variation between 5-7 seat constituencies, but not lower than 5-seat (because it seems women's chances of being elected are improved in larger-seat constituencies than in small-seat ones).	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
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Issues as set out in the 'Call for Evidence' paper	McKenna, Conan (Doctor)	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
		Only made comments on issues relating to Committees and effectiveness – based on doctoral research concerning effectiveness of parliamentary committees and focusing on the issue of the relationship between the number of committee places and number of members available to serve on them.	Only made comments on issues relating to Committees and effectiveness.	<p>'Among the 5 parliaments/assemblies looked at (Houses of the Oireachtas, House of Commons, New Zealand, Scotland and NI Assembly), NIA had the highest number of committee memberships as a proportion of House members.'</p> <p>My research also showed that NIA committee attendance levels (for the sample of committees) were just below 76% with the average at 78%. This would suggest that, while members are spread thinly across committees, they nonetheless have good attendance rates against the average.</p>	Only made comments on issues relating to Committees and effectiveness.	Only made comments on issues relating to Committees and effectiveness.	Only made comments on issues relating to Committees and effectiveness.

Issues as set out in the 'Call for Evidence' paper	McKenna, Conan (Doctor) (continued)	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
				<p>The NIA committee system showed the highest number of total sitting hours...' 'These statistics might suggest that there is an issue already with the burden of coverage by members in NIA of work of committees and that any reduction in the number of members in the House, without very significant accompanying reductions in the sizes of committees or the number of committees, would result in the Assembly committee system becoming less effective.'</p>			

<p>Issues as set out in the 'Call for Evidence' paper</p> <p>Wilford, Rick (Professor) – Queen's University Belfast</p>	<p>(1) The statutory link between Westminster and NI constituencies...</p> <p>A number of advantages and disadvantages of decoupling given in the full response.</p> <p>'Somewhat conflicted by the issue: retaining the status quo may seem to be the simplest position to adopt. It would tie the NIA into a known, though by no means uncontroversial process. However, the prospect of further changes in Westminster boundaries... may well give pause for thought. If there were to be further changes in NI (i.e. a reduction in the number of MPs/constituencies) the issue would recur. For that reason, politicians</p>	<p>(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...</p> <p>'There are two inter-related issues here: the number of constituencies and the corresponding total number of MLAs.'</p> <p>'Assuming that decoupling does occur, the parties can plan on the basis of a settled number of 16 constituencies for the foreseeable future. The issue then is, how many MLAs per constituency. There is no "magic number."'</p> <p>'Any reduction in the total number of MLAs will....place increased strain on committee effectiveness (and efficiency), all other things being equal.'</p> <p>'The precise number of statutory committees is contingent on the agreed number of</p>	<p>(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...</p> <p>'The issues here follow closely on those in the preceding section. As noted, an Assembly of 80 MLAs, given a reduction in the number of Departments to eight and of statutory committee size to nine, would enable all MLAs (excepting the Speaker etc) to be offered a committee place.'</p> <p>'An 80-member Assembly is perfectly capable of discharging both plenary and committee business provided the business timetable is crafted so that plenary sessions do not impact on committee sessions.'</p> <p>'Perhaps the most obvious direct comparator legislature is the Scottish Parliament.'</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...</p> <p>'A more carefully planned and timed legislative programme would enable Committees to undertake a greater volume of draft legislative scrutiny.'</p> <p>'With potentially fewer committees, the case for a more routinized use of sub-committees is enhanced as is the use of the rapporteur device, e.g. for scoping planned inquiries.'</p> <p>'Avoid, if at all possible, turnover in the membership of statutory committees so that they build a stable core of experience, knowledge and expertise over a mandate.'</p>	<p>(5) Reduction in the number of NI Government departments and associated re-allocation of functions....</p> <p>'There is again no "magic number" that can be conjured-up out of the ether, though it is noticeable that 'eight' seems to be the number of Depts favoured by some parties.'</p> <p>'Identifying the reasons for Executive reform/reconfiguration can be encapsulated under three broad headings: economy and efficiency; policy effectiveness; and political advantage.'</p> <p>'Very broadly speaking there are then two ways of approaching the task of Executive re-design. The incremental, which in large measure would be governed by an initial agreement on the number of Depts</p>	<p>Additional information</p> <p>'There is a significant academic literature on both executive and legislative design. Given the short notice, I have not provided it here but could supply something akin to a "reading list" if required.'</p>
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Issues as set out in the 'Call for Evidence' paper	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
<p>Wilford, Rick (Professor) – Queen's University Belfast (continued)</p>	<p>may be attracted by the demise of co-terminosity between Westminster and the NIA: it would, all other things being equal, lead to enhanced constituency stability. On balance, I'm generally disposed to de-coupling.'</p>	<p>devolved Departments: and any agreed reconfiguration of the Executive has to be mindful of the shallower pool of MLAs that would be available to discharge committee business.'</p> <p>'In NI, reducing the norm (of number of committees) to nine (from 11) would allow the total number of MLAs to fall to 80 (five per constituency) provided there was a reduction in the number of Departments to eight, given that the 'usual suspects' would be precluded from committee membership. Inter alia, this would alleviate the significant problem</p>	<p>In Scotland, smaller committees (average size is eight MSPs) discharge their roles without hampering the conduct of parliamentary business. However, there is no stipulation that all MSPs be offered a committee place so that there is more capacity available to deal with other matters while some MSPs are engaged in committee work.'</p> <p>'There is no evidence to suggest that those MSPs who are not involved in committees consider themselves to be lesser parliamentarians as a result. That potential issue is, though, averted with an 80</p>	<p>Normally, Statutory Committee chairs should not be nominated to serve as members of other Statutory Committees.'</p> <p>'Place the (Chairpersons) Liaison Group on a statutory footing – the model of the Scottish Convenors Group (or the HoC Liaison Committee) serves as an example.'</p> <p>'Shorter, focused inquiries carry the potential to exert a more immediate impact. 'There may be a case for merging some (standing committees), e.g. Audit & PAC. There may also be a case for subsuming any prospective future A&ERC-like brief</p>	<p>and then shuffling functions around in a way that seeks to secure a 'better fit' than currently exists. An alternative approach would require a more root-and-branch exercise. This would entail thinking about Departmental design in perhaps more thematic terms, as in both Wales and Scotland where design/re-design has been more considered. The key here, to my mind, is to start at 'the top' i.e. OFMDM and revisit its raison d'être: what is it actually for?'</p> <p>'Key is how overlapping briefs are managed and by whom – OFMDM, in my view. It should steer rather than row boats: it means stripping out a number of functions.'</p>	

Issues as set out in the 'Call for Evidence' paper	Wilford, Rick (Professor) – Queen's University Belfast (continued)	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
Key Stakeholders – Political parties registered in Northern Ireland	Conservative and Unionist Party NI	'Given the transparent advantages of coterminosity (listed in full submission), the limited impact of the 2011 Act on constituency numbers (albeit not on constituency boundaries) and the ability of the STV system in any case to offset changes in the	'We favour moving toward a four-member per constituency model, which, if there were 16 parliamentary constituencies, would mean an assembly of 64 MLAs.' 'Our suggestion is that the Assembly moves towards a 64 seat model over 3 elections, in order to enable	Full submission gives several examples from other countries with devolved legislatures and population sizes similar to Northern Ireland. 'From all of the above relevant analogues, it appears that the minimum efficient Assembly size is in the region of 55-60	'...a 64-member Northern Ireland Assembly should be able to accommodate 16 committees. When our recommendations on the number of departments are incorporated here, two committees will cease to exist by default. In addition, there are opportunities	Full submission goes into substantial detail regarding the party's views on a new structure of government departments and reshuffling of responsibilities. Also makes comparisons with Scotland, Wales and Westminster.	Full submission reiterates and summarises the main recommendations from the Party's perspective.

Issues as set out in the 'Call for Evidence' paper	Conservative and Unionist Party NI (continued)	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
		number of Westminster constituencies through changes in the number of MLAs, we conclude the coterminosity should be maintained.'	MLAs to grow accustomed to the arrangement and to test the effects of a smaller number of representatives i.e. 2015 96 MLAs. 2019 80 MLAs. 2023 64 MLAs.'	members, with an absolute range of 57-80 members.' Suggests two options: A 4 member per constituency with 16 constituencies = 64 or A 5 member per constituency with 16 constituencies = 80.	for committee rationalisation. For example, a separate committee is not necessarily needed for each minister or government department – there is an 'Education and Culture Committee' in the Scottish Parliament. Consequently, we see no major difficulties in adapting the committee system to the smaller assembly.'	'We therefore recommend a 9 department model (10 with OFMDFM), rather than 11 (12 with OFMDFM) as at the present time. This model is entirely consistent with those UK Government departments which are, to at least some degree, devolved.' 'In terms of total number of ministers, NI would have 11 ministers plus two junior ministers...'	

Issues as set out in the 'Call for Evidence' paper	Procapitalism	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
	Advantages of decoupling: The Assembly would have autonomy over the choice of the number of constituencies. Disadvantages of decoupling: The Assembly would be inclined to propagate for a maximum number of constituencies. 'Locally accountable democracy is still a novelty for Northern Ireland.'	'The Assembly would be sufficiently representative and functional, with no more than 60 MLAs, thus 15 constituencies with 4 representatives.' 'the implications would be that the Assembly would cost less and intellectual resources, so badly needed in the private sector, would not be misallocated to the Assembly.'	'With the trend internationally towards ever bigger government, it is not possible to offer any example that would act as a useful paradigm.'	Implies that the committee system as a whole is inherently flawed.	'Departments should not exceed the number already in play. Some could be easily enough eliminated, and others integrated.'	'The priority of the Assembly must be to create an environment with a minimum of populist regulation...'	

Issues as set out in the 'Call for Evidence' paper	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
<p>Key Stakeholders – Others</p> <p>NILGA</p>	<p>'NILGA is of the view that, whatever the final decision, it must be easily understood by, and well communicated to, the public.'</p> <p>'The current co-terminosity with Westminster boundaries is clear and easy to understand. An additional system of boundaries specific to the Assembly would add a layer of complexity to existing arrangements.'</p> <p>'A potential alternative solution would be to align with the post-reform council boundaries, and allocate an appropriate number of MLAs in</p>	<p>'If the forthcoming reduction from 108 to 96, and the further reduction being considered were to take place, participation issues may arise if the current Department and Assembly Committee arrangement is to be maintained and some streamlining of processes may be required.'</p> <p>'If confidence is to be maintained in the Assembly's scrutiny role, and in the participation of elected members on committees, thought should be given to a rationalisation of both the committee</p>	<p>'The final numerical assessment must permit effective operation of the Assembly as a legislative and scrutiny body, and ensure that inclusivity is safeguarded.'</p>	<p>'NILGA asserts that in order to rationally look at the size of the Assembly, there needs to be a full and thorough analysis of the existing and proposed suite of functions to be determined: by the Departments: by the Councils; by the private sector and the social economy.'</p>	<p>'It is recommended that a set of principles (or similar) be used to inform a departmental and Assembly assessment – the principles are listed in the detailed response, Section 4, question 5.'</p> <p>'If the focus of the Assembly is to ensure the departments are delivering the Programme for Government, then one option would be for our departments to be designed around that Programme.'</p> <p>'Another option is to look at "families of services", and to explore whether the families of services that are grouped</p>	<p>NILGA made both an interim response and a final full response following consideration and approval by NILGA's Executive and full members.</p>

Issues as set out in the 'Call for Evidence' paper	NILGA (continued)	(1) The statutory link between Westminster and NI constituencies...	each of the 11 new areas. This would also enable a dynamic relationship between the two tiers of elected members.'	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	structures and departments, and therefore a significant reduction in their back office demands and functions.'	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	together currently in our departments are a suitable grouping for effective working. An additional issue to consider is the potential to make more use of the 'junior minister' system as evidenced in Scotland.'	Additional information
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Issues as set out in the 'Call for Evidence' paper	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
Platform for Change	<p>'Platform for Change sees no need for a coupling between the boundaries of the assembly and Westminster constituencies. As in Scotland and Wales, the distinct functions of the devolved parliament/assembly and Westminster mean there is no logical need for co-terminosity.'</p> <p>'Platform for Change would be perfectly happy with an assembly reduced in size to 80 members, which would be the outcome of a reduction by two in the number of Westminster constituencies on which the assembly is currently based.'</p>	<p>'A reduced number of MLAs would have implications, if introduced in isolation, for the effective functioning of the committee system. It should logically be connected to a reduction in the number of departments and so statutory committees, so that the adequacy of scrutiny by the latter is not diminished.'</p> <p>'We have indicated above that we do not believe the number of assembly members and constituencies can be rationally discussed in abstraction from the method of election.'</p>	<p>'We have indicated above that we would view an assembly of 80 members (or thereabouts) as reasonable. This would still be disproportionately large, compared with the Scottish Parliament and the Welsh National Assembly. It would however be closer to the size (78 members) of the assembly elected in 1973, associated with the power-sharing executive of 1974.'</p>	<p>'The number of committees should be reduced pari passu with the number of departments (see next answer) to ensure individual members are not required to attend more committees and/or committee membership is reduced.'</p> <p>'Removal of the dual (and in some cases even triple) mandates of many members is essential to ensure committee work is taken seriously, rather than the assembly being perceived as just another place to make speeches and lobby.'</p>	<p>'Platform for Change believes that seven departments would be a reasonable number but the structure should be aligned with overarching policy goals as in Scotland, rather than simply being conceived as silos for particular public services, like schools, police or hospitals.'</p> <p>'It is critical that the executive operates, like its predecessor in 1974, on the basis of collective responsibility, so that joined-up government can be made a reality.'</p>	<p>'A piecemeal response focusing narrowly on the number of MLAs and departments will not address this profound challenge (of change to governance arrangements). An holistic approach is needed, as we have set out, which meets it coherently and comprehensively.'</p>

Issues as set out in the 'Call for Evidence' paper	Platform for Change (continued)	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
	allied to a reduction by one in the number of members per constituency. But this is not the way to do it.' 'What is required is an impartial review under an independent commission to consider the electoral system to the Northern Ireland Assembly, with the corollaries of the number of constituencies and, depending on the system advocated, the number of Assembly members.'						

Issues as set out in the 'Call for Evidence' paper	Other Stakeholders	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
Edgar, James Mr		<p>The main advantage (of decoupling) would be that if the Westminster parliament should in the future decide to change the number of constituencies in Northern Ireland, then this would impact directly on representation in the Assembly. This would mean that the number of M.L.A.'s would be changed.</p> <p>“Decoupling” would allow the Assembly to be control of its own requirements and allow for greater stability on this issue. The Assembly would not have to be concerned about any further boundary redistribution after the next General</p>	<p>‘The author welcomes proposed reduction of twelve members to the Assembly (from 108 to 96).’</p> <p>‘The author would support the use of the proposed sixteen Westminster constituency model as the basis for future elections to the Assembly.’</p> <p>‘The author recommends that with a sixteen Westminster constituency model the number of M.L.A.’s per constituency should decrease to 5. This would allow for the return of an 80 member Assembly, which the author recommends as the optimal level of elected representation for</p>	<p>‘An 80 member Assembly is the minimum level required to ensure effective regional government for a population of 1.7 million citizens.’</p> <p>‘Comparable regional representative institutions in Scotland and Wales would indicate that Northern Ireland should have a reduced number of elected representatives. Also, compared to Dáil Éireann the Northern Ireland Assembly has a higher number of elected representatives per head of the population.’</p> <p>‘An 80 member Assembly provides an optimal level that</p>	<p>‘The author is of the view that any review of membership of the Northern Ireland Assembly must be considered with a review of the number of Government Departments.’</p> <p>‘The author would recommend that the Assembly should review the basis of its Committee system for the next Assembly. There are two Committee models that may be considered: The first model would be a continuation of the existing system of Statutory Committees linked to the number of Government Departments.’</p>	<p>‘The author recommends that the next Northern Ireland Executive could be based on nine Government Departments, inclusive of the Office of the First Minister and deputy First Minister.’</p> <p>‘The author would recommend that Government Departments be constructed on a thematic basis.’</p> <p>Full submission includes suggestions for the reshuffling of the current themes under NI government departments.</p>	<p>‘There is a public expectation that the Northern Ireland Assembly should lead by example, and operate in a ‘leaner’ format. However, this should not be at the expense to the effectiveness of the workings of the Assembly Committee system, and the running of Government Departments.’</p>

Issues as set out in the 'Call for Evidence' paper	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
Edgar, James Mr (continued)	<p>Election in 2015. It would also bring the Northern Ireland Assembly into line with both the Scottish Parliament and the National Assembly for Wales.'</p> <p>'The author would recommend that the next Assembly election should use the new Westminster parliamentary constituencies (assuming there will be sixteen).'</p>	<p>regional government in Northern Ireland. The author recommends a decrease of 1 M.L.A. per constituency to ensure an overall 80 member Assembly.'</p> <p>'The author is of the view that 5 elected M.L.A.'s per constituency is sufficient to allow for effective representation on behalf of constituents. If 1 M.P. can represent the same constituency at Westminster, then 5 is more than sufficient for a regional Assembly.'</p>	<p>would still ensure effective governance. It would also allow all eligible M.L.A.'s to be a member of a Statutory Committee within the Assembly.'</p> <p>Full submission includes a list of issues when deciding on the size of a future Assembly.</p>	<p>'The second model would be the use of a "thematic/subject" Committee system.'</p> <p>'The author would recommend that for Statutory Committees membership should be a maximum of nine M.L.A.'s, with a quorum of four required to formally convene. Standing Orders of the Assembly should be amended accordingly.'</p>		

Issues as set out in the 'Call for Evidence' paper	Independent Financial Review Panel (IFRP)	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
	Submission does not cover this area.	Submission does not cover this area.	The IFRP recently published a report on Assembly Members' salaries, allowances, expenses and pensions. As part of this report, it carried out a series of exercises, including a public consultation. In relation to the number of MLAs: 'Although the number of responses to the consultation process was limited, much of the criticism expressed was not related to the salaries of individual MLAs but rather the overall cost of the Assembly. A frequently expressed view was that there were too many Assembly members.'	'In the benchmarking exercises which the Panel carried out, the main factor that became evident was the relatively low span of MLAs' responsibilities due primarily to the number of MLAs per constituency. MLAs represent on average considerably fewer voters than their counterparts in other devolved legislatures and the House of Commons and therefore cost proportionately more. 'The nature of the political arrangements in the Assembly is such that there is a substantial amount of duplication in the responsibilities of MLAs within constituencies.'	'The current political structures mean that duplication and competition are unavoidable' 'The Panel believes that having too many representatives in one small political space has a negative effect on both of the factors.' (That is effectiveness and cost of local politics)	Submission does not cover this area.	'The Panel has stated that for its next Determination, it will address any different levels of ministerial posts based on size, type, accountability and complexity. In doing so it will be guided by any changes agreed by the Executive in relation to Ministerial responsibilities.'

Issues as set out in the 'Call for Evidence' paper	Institute of Directors Northern Ireland (IoD) and NI Independent Retail Traders Association (NIIRTA)	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
	<p>'We wish to restrict our comments to the section on the number of government Departments.'</p>			<p>'While the focus of this response is the number of NI Departments, the IoD suggests that, with the proposals to realign Westminster constituencies and reduce the number to 16, each Westminster constituency should return just 4 Members of the Northern Ireland Assembly thus creating an Assembly of 64 rather than the current 108.'</p>		<p>'As a business organisation representing and lobbying on behalf of our members, we believe that the current system needs a radical overhaul and that Northern Ireland requires no more than seven government departments.'</p> <p>'For a region our size, seven departments are sufficient to provide effective streamlined government with clear strategic objectives.'</p> <p>Full submission includes suggestions for a new structure of NI departments.</p> <p>Suggests that many services currently delivered by the</p>	

Issues as set out in the 'Call for Evidence' paper	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
Institute of Directors Northern Ireland (IoD) and NI Independent Retail Traders Association (NIIRTA) (continued)					public sector could be delivered in partnership with private sector. Gives a suggestion for a change in the Ministerial portfolio – would advocate Junior Ministerial roles to departments where the workload might be too heavy a single Minister.	
Northern Ireland Public Service Alliance (NIPSA)	'NIPSA response to Northern Ireland delinking from Westminster constituency model would be consistent with our aims in that whatever model our political representative favour NIPSA would continue to ensure working conditions for our members are not diluted in pursuit of efficiency savings.'	'The reduction in MLA's from 108 to 96 or 80 in NIPSA's view would not constitute a reduction in the workload of MLA or Secretariat staff services.' 'Proposed reduction of MLA's in NIPSA view will not reduce current workloads; in fact if there are less MLA's representing a constituency, the MLA workload will increase as they will have a greater number	Submission does directly not cover this area; but the response to Issue 2 is also relevant here.	'NIPSA would see this as an opportunity to review Committee structures, scrutiny roles within the Assembly. If departments are reduced, amalgamated or new departments are created these departments should be mirrored through the establishment of a relevant statutory committee.	'NIPSA would welcome the fact that if the current departments are reduced a sensible approach is taking in creating new departments, for example in the case of DEL, NIPSA supports the case that DEL should be amalgamated with ETI yet consideration of splitting DEL between two departments is not a value for money option.	'Overall whilst not within the remit of the A+ER committee it would be encouraging for the committee to recommend gender proofing of new MLA's and follow this on through to Committees. Comparators with other legislatures may be considered although NIPSA would see this as an opportunity for A+ER to review

<p>Issues as set out in the 'Call for Evidence' paper</p> <p>Northern Ireland Public Service Alliance (NIPSA) (continued)</p>	<p>(1) The statutory link between Westminster and NI constituencies...</p> <p>NIPSA's main aims are to:</p> <ol style="list-style-type: none"> 1. Secure jobs for its members within Northern Ireland 2. Protect Terms & conditions for members 3. Provide a value for money public service 	<p>(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...</p> <p>of constituents to service. The proposed reduction of MLA's will also mean a reduced number of party staff support and therefore it will be essential that there is a sufficient non-political impartial secretariat to service the additional needs of our politicians. Also if the proposed RPA changes are recommended then this will reduce the number of councils/councillors and could envisage further increases on MLA workloads.'</p>	<p>(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...</p> <p>NIPSA would also encourage that committee numbers would not include individual MLA's sitting on several committees simultaneously. NIPSA would note that an increased scrutiny and analytical role of new committee structure would have an increased workload. NIPSA would also see a review of standing committees to meet the required needs of a new Assembly structure.'</p>	<p>(5) Reduction in the number of NI Government departments and associated re-allocation of functions....</p> <p>It is an ideal opportunity to realign old departments and also remove a number of ad hoc areas such as Economic Policy and Regeneration into an Economy Department.</p>	<p>Additional information</p> <p>and modernise the working operations of the Assembly, such as roles of the Committees, Plenary timings and debates.'</p>
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Issues as set out in the 'Call for Evidence' paper	Northern Ireland Women's European Platform (NIWEP)	(1) The statutory link between Westminster and NI constituencies...	Submission does not cover this area.	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	Submission does not cover this area.	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	Submission does not cover this area.	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	Submission does not cover this area.	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Submission does not cover this area.	Additional information
												<p>Full submission gives background of the organisation and cites several documents (including the Belfast Agreement) that reference the need for gender equality. Full submission makes several recommendations to promote gender equality.</p> <p>Directly in reference to the Review, recommends that the Committee 'ensure throughout the review of the operation of the Northern Ireland Assembly and the Executive that gender equality is one of the main priorities considered at every step throughout the process.'</p>

<p>Issues as set out in the 'Call for Evidence' paper</p> <p>Royal Town Planning Institute Northern Ireland (RTPI)</p>	<p>(1) The statutory link between Westminster and NI constituencies...</p> <p>'RTPI NI members have expressed the view that a link between Westminster and Northern Ireland constituencies should be retained. It was felt that the link would allow for a more user friendly option that offers ease of use and administration advantages.'</p>	<p>(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...</p> <p>No comment.</p>	<p>(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...</p> <p>'In relation to the number of MLAs it was the view of members that this should be reduced to a maximum of 5 per constituency and that the current number is excessive and not sustainable.'</p>	<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...</p> <p>'The National Assembly for Wales, with a total of only 60 Assembly Members runs an active Committee structure, providing scrutiny and undertaking a range of Inquiries. The Scottish Parliament also offers a good example of committee structures.'</p>	<p>(5) Reduction in the number of NI Government departments and associated re-allocation of functions....</p> <p>'(RTPI) Members would welcome the reduction in the number of government departments.' Full submission states that the area of planning is a major concern and gives suggestions for improvement. 'It is vital to the delivery of a fit for purpose planning system that these functions are not split in order to ensure a smooth and joined up approach that will avoid unnecessary delays and enhance accountability.'</p>	<p>Additional information</p> <p>'The Institute feels that the review paper provides the opportunity to make preparations for the Review of Public Administration and would urge the Executive not to miss this opportunity.'</p>
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Issues as set out in the 'Call for Evidence' paper	Women's Tec	(1) The statutory link between Westminster and NI constituencies...	(2) Implications of the Parliamentary Voting System and Constituencies Act 2011...	(3) Reduced number of MLAs required to ensure that the effectiveness of the Assembly...	(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly...	(5) Reduction in the number of NI Government departments and associated re-allocation of functions....	Additional information
		<p>'Northern Ireland constituencies should be decoupled from Westminster constituencies, as they are in Scotland and Wales.</p> <p>The current situation is that there will be an automatic reduction in the number of MLAs based on UK-wide adjustments, rather than careful consideration of the needs of Northern Ireland as a region in the transition from conflict.</p>	<p>'A reduction in the number of MLAs would be opposed...'</p> <p>Full submission gives reasons why the organisation believes that the number of MLAs should not be reduced, as this would result in fewer opportunities for women to be elected, for women's issues to be heard, etc.</p>	<p>'The number of MLAs should not be reduced.'</p> <p>'Human rights and equality are key aspects of the Belfast Agreement, which should be mainstreamed through all government decisions. Consideration should be given for committees for equality and human rights (or a combined equality and human rights committee) with a remit for cross-departmental oversight on these matters.'</p>	<p>'See responses at (2) and (3). Any reduction in the number of MLAs would be opposed.'</p>	<p>'Women's Tec does not have a view on how many departments there should be or how they are organised. However, it should be clear from the outset where specific functions lie and their administration simplified for easier decision-making, for example, regarding social development and vocational training support.'</p>	<p>'The opportunity should be taken to legislate for changes in electoral law to increase the representation of women.'</p> <p>'While there are many methods that can be used to promote more women in politics... the most effective mechanism for ensuring increased representation is statutory quotas.'</p>

Stakeholder Submissions

Political Parties of the Northern Ireland Assembly

Alliance Party
Democratic Unionist Party (DUP)
Green Party (GPNI)
Sinn Féin (SF)
Traditional Unionist Voice (TUV)
Ulster Unionist Party (UUP)
David McNarry, MLA (Independent)

Clerks of Relevant Parliaments

Clerk/Director General of the Northern Ireland Assembly
Clerk to the Welsh Assembly
Secretary General and Clerk to the Dáil
Clerk to the States of Jersey

Academics

Dr. Yvonne Galligan
Dr Conan McKenna
Professor Rick Wilford

Other Political Parties Registered in Northern Ireland

Conservative and Unionist Party NI
Procapitalism

Key Stakeholders

Northern Ireland Local Government Association (NILGA)
Platform for Change
Committee for the Office of the First Minister and deputy First Minister

Other Stakeholders who submitted responses

Mr James Edgar
Independent Financial Review Panel (IFRP)
Institute of Directors and Northern Ireland Independent
Retail Traders Association (IoD and NIIRTA)
Northern Ireland Public Service Alliance (NIPSA)
Northern Ireland Women's European Platform
Royal Town Planning Institute
Women's Tec

Alliance Party

Section 1 Stakeholder Details				
Stakeholder Name	Telephone Number			
Alliance Party	(028) 90521315			
Stakeholder Address	Stakeholder Type (Include one or more X)			
Room 220 Parliament Buildings Belfast BT4 3XX	Registered Political Party	X	Local Government	
	Academic		Government	
	Legislature		Non-Government	
	Other (Please Specify)/ Member of the Public			
Please provide some background information on your role as a stakeholder				
<p>The Alliance Party is Northern Ireland cross community political party.</p> <p>We have 2 Executive Ministers, 1 MP, 8 MLAs, 44 Councillors.</p>				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma.</p> <p>Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.</p> <p>Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>				
Section 4 Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider				
(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link				
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>				
<p>The Alliance Party are aware of the arguments for both decoupling and continuing with the existing statutory link. Given the debate around this issue we feel it would be best dealt with at the leaders meeting.</p> <p>Irrespective of whichever decision is taken on the statutory link it is essential that the need for simplicity and consistency for the electorate is kept as the main concern.</p>				
(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs				
<p>What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?</p> <p>A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?</p> <p>Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?</p>				

The Alliance Party is supportive of a reduction in the number of MLAs. The reduction in the number of constituencies represents a good opportunity to do this. On the basis of a move from 18 to 16 constituencies the Assembly would be reduced in size from 108 to 96 MLAs. We would be supportive of a further decrease by reducing the number of MLAs per constituency from 6 to 5; providing an Assembly with 80 Members.

This would be more in keeping with the size of Northern Ireland and the need for efficient government. Alliance would caution against going below five members per constituency. At below five, proportionality begins to be lost. This is seen in elections to the Dáil, which can be on the basis of 3, 4 and 5-seat constituencies. Proportionality is particularly critical in a deeply divided society such as ours.

Five MLAs per constituency may also be more reasonable from a cost perspective.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

There is no evidence to suggest than 80 would be insufficient to ensure the effectiveness of the Assembly particularly if a streamlining of the Executive happened concurrently.

With a reduction in the number of MLA there should be no discernible drop in the level of governance. An example of this is Scotland, where the Parliament has similar powers to the NI Assembly and fewer MSPs per head of the population.

A streamlining of the Executive and the resulting reduction in Government Departments would lead to a reduction in the number of Statutory Committees within Stormont and therefore less MLA's would be needed to cover the number of Committee places available.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

In order to ensure a reduction in MLAs does not adversely impact on the ability of Committees to carry out a robust scrutiny role a rationalisation of the number of Government Departments from twelve to eight should be undertaken, this will decrease the number of Committees, as per our previous answer.

The Alliance Party would restructure Committees in line with a rationalisation of the number of Departments, our suggestions for reducing the number of Departments are outlined in the answer to Question 5.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

Alliance argues that eight Departments, and therefore Committees could be established as follows:

1. Office of the First Minister and Deputy First Minister (retaining much of its current functions)
2. Economy (incorporating the current Departments of Enterprise, Trade and Investment and the Employment and Learning, and some aspects of Agriculture and Rural Development)
3. Finance and Personnel (with civil law passing to Justice and any latent responsibilities for Northern Ireland Water which would be granted mutual status)
4. Justice (receiving civil law from Finance and Public Safety from DHSSPS)
5. Health and Social Services (minus Public Safety)
6. Education (incorporating much of the Department of Culture, Arts and Leisure)
7. Environment and Rural Development (incorporating the current Department of the Environment, planning functions currently with the Department of Regional Development, much of Agriculture and Rural Development and waterways from the Department of Culture, Arts and Leisure)
8. Urban and Social Development (with the existing urban regeneration aspects of the current Department better highlighted and Transport transferred from the current Department of Regional Development)

Section 5

Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

At this point we would like to note our disappointment that the AERC Committee, as part of this review, are not considering other reforms to the structures, such as the removal of Assembly Designations, in time for the forthcoming Northern Ireland legislation.

Democratic Unionist Party (DUP)

DUP POLICY PROPOSALS



REFORMING GOVERNMENT – STREAMLINING STORMONT

MAKING STORMONT WORK BETTER



⏪ Details on how you can respond to these proposals can be found on the back page

The Assembly elected in 2007 is the first to complete a full term of devolved government for over 40 years. This is a considerable achievement in light of the failure of previous attempts to establish devolution.

However, in the next four years it will be tangible delivery by the Executive, rather than mere survival, on which we will be judged.

We believe that reforming and streamlining Stormont can help us deliver for the people of Northern Ireland.



DUP: MAKING STORMONT WORK BETTER

[3]

DUP – THE CHAMPION OF REFORM

In 1998 the DUP opposed the arrangements provided for by the Belfast Agreement and when we won a mandate for change in 2003 we insisted on a number of fundamental amendments before we would agree to form an Administration. These amendments were negotiated at St Andrews and legislated for at Westminster.

As a first step these have operated effectively but further changes would be beneficial. At St Andrews in 2006 it was agreed and subsequently enshrined in legislation that there would be a review of the Devolved Institutions by 2015. This will be a key task for the next Assembly and that work should be completed in the early part of the term.

In the first days of the new Assembly we believe that Party Leaders should meet to map out how this work can best be taken forward in conjunction with the Assembly and Executive Review Committee.

While the present arrangements have proven durable, no one could credibly suggest that the existing Institutions are best devised to provide the best government for Northern Ireland. Indeed, even the authors of the Belfast Agreement accepted that it was an interim structure rather than a long-term solution. The challenge for us now will be to agree changes which can command support across the community and which will deliver better government.

The DUP has always been the champion of political reform in Northern Ireland. While the current framework is a marked improvement on the Belfast Agreement, it is still far from the best means of operation. We are committed to bringing about change to the existing arrangements, but in so doing, we will not risk the future of devolution altogether. Instead, we will work to build political consensus to bring about change.



OUR AGENDA FOR CHANGE

We have a clear long-term goal to normalise the political arena in Northern Ireland. Indeed, we are the only Unionist party that is in any position to help bring this about. Improved political arrangements can help to enhance the functioning of devolution, but we must remember that for most, the key concern is how devolution can help them, rather than the detail of how it is structured. Ultimately the willingness of political parties to operate government will have as much to do with the success of devolution as the precise nature of the arrangements themselves.

The political reality is that change to the way in which devolution operates in Northern Ireland will only come about by agreement. It has been suggested that the only way to change the present arrangements is to refuse to operate them and then force a renegotiation. This would be a recipe for constitutional instability, inevitably leading to a breakdown of the Institutions and years of Direct Rule with Dublin interference. It would be deeply damaging to Northern Ireland and would also set a dangerous precedent in that whenever a Party wanted some future change, it would threaten the collapse of devolution. Such circumstances would not be good for the short or long-term operation of Government in Northern Ireland.

Nevertheless, it is clear that there is an emerging consensus for change to the current structures. While it will require widespread agreement to bring about change in the devolved arrangements, it is also the case that cross-community agreement will be required to replace existing All-Island Implementation Bodies or to amend the present responsibilities of the North South Ministerial Council. We believe that with some goodwill, changes can be made which are to the benefit of all the people of Northern Ireland.

Whilst there will need to be widespread agreement to normalise politics in Northern Ireland, no single Party should have a veto on progress. In terms of the long-term arrangements we believe that, on the basis of the Assembly and Executive Review Committee's report and the level of support that each proposal was able to attract, the UK Government should bring forward legislation to normalise politics in Northern Ireland before the 2015 Assembly election.



ST ANDREWS CHANGES – HOW THEY HAVE OPERATED

Ministerial Accountability

The amendments to the Northern Ireland Act brought about by the Northern Ireland (St Andrews Agreement) Act 2006 and the creation of a statutory Ministerial Code have transformed the way decisions are taken in Northern Ireland. Instead of a Minister being able to take decisions regardless of the view of the Executive, Executive approval is now required for all important decisions.

While, on occasion, this has made taking decisions more difficult, it has ensured that all important decisions have commanded cross-community support and Ministers are not free to do as they wish. Though it has taken some time for the new arrangements to bed down, they have proven effective and have been upheld by the courts in Northern Ireland.

Election of First Minister and deputy First Minister

The mechanism to appoint the First Minister and deputy First Minister, as agreed at St Andrews, was not faithfully implemented in the ensuing legislation. Pending more fundamental changes to the operation of OFMDFM we will continue to press for the effecting of arrangements as per the St Andrews Agreement, namely that the nominee of the largest Party from the largest Designation should become First Minister. The arrangements provided for in the Belfast Agreement are merely a recipe for an impasse following an election.

HILLSBOROUGH CASTLE AGREEMENT

Arising out of the Hillsborough Castle Agreement an Executive sub-committee was set up to propose improvement to the functioning of the Executive. As a result of this process, the Executive has now agreed that a Minister can insist on a paper being tabled for consideration by the Executive. It was also agreed that Party Leaders would meet following the election to discuss and seek to agree a Programme for Government.

PROPOSALS FOR REFORM

Since 1998 we have tabled proposals for how the devolution processes could be improved. Many of these were addressed through the St Andrews Agreement while others will be considered over the next Assembly mandate. For that reason many of the proposals tabled in this paper are not new. However, the review of the arrangements provided for in the Northern Ireland (St Andrews Agreement) Act 2006 will provide the ideal opportunity for these to be considered.



LONG-TERM ARRANGEMENTS – MOVING TOWARDS A VOLUNTARY COALITION

We believe that in the long-term, the best means of governing Northern Ireland would involve a voluntary coalition Executive and weighted majority voting of around 65% in the Assembly, resulting in an end to Community Designation. This system could provide for both an Executive and an official Opposition which would be consistent with normal democratic institutions while accepting the particular circumstances of Northern Ireland.

This should be the long-term goal of all of the Parties in Northern Ireland. However, we must be realistic about the ability to achieve it in the short-term. While voluntary coalition would undoubtedly improve the performance of devolution in Northern Ireland, it would be a mistake to assume it is a panacea to all of the problems that we face.



WORKING BETTER TOGETHER

These proposals are based upon working better together under the present legal arrangements and could be implemented from the start of the new Assembly mandate. We believe that people want to see politicians working together and not scoring party-political points. Our proposals are founded upon this goal. Some of them will require the support of other Parties while others can be effected unilaterally. For arrangements to work, the goodwill of all Parties involved will be required. Self evidently if the level of partisan politics demonstrated in the run up to the Assembly election characterised the next Assembly, it would not be possible to maximise the benefits from these proposals.

EXECUTIVE FORMATION

Under the present arrangements Departments are allocated on the basis of the d'Hondt formula. This determines both the number of Departments to which each Party is entitled and also the order of selection. After the last election this process was run informally between the Parties in advance of the formal process in the Assembly. An extension of this arrangement would be to seek to agree an Executive through discussion and negotiation. If such agreement could be reached, it could then be formalised through the running of d'Hondt on an agreed basis in the Assembly.

It has also been suggested that a Programme for Government be agreed before the Executive is established. While this idea has merit in principle, we should be conscious of the limited time afforded by statute to establish the Executive and the challenges of obtaining agreement by five Parties. We believe that, consistent with our proposals, high level agreement should be sought on a Programme for Government, however it would be absurd to make agreement a pre-requisite to the formation of an Administration.

ALL-PARTY COMMISSIONS

Under the present structure of a mandatory coalition, it is desirable that decisions command the greatest possible support and authority across the Executive. This is tempered only by the temptation of 'minority parties' to seek to impede Executive business for perceived party-political advantage. Striking the appropriate balance will not always be easy, but where possible, consensus should be sought in the Executive.

In the present Assembly a number of significant policies have not proceeded due to a lack of widespread support from other Parties in the Executive. Those Ministers who have been prepared to engage in discussion and compromise have proven the most successful at delivering on their political and Departmental agendas. It is important that the necessary support is garnered before matters are brought before the Executive or Assembly.

One potential way to deal with the most difficult and controversial issues is to establish Cross-Party Commissions augmented with experts to address particular matters. This would allow for serious and informed considerations of some of the most contentious issues away from the public spotlight and on the basis of buy-in from all significant interests represented in the Assembly.

These Commissions could be established without the requirement of any formal change to the present arrangements.

One obvious example where a Commission could look at long-term solutions away from media attention is in the area of shared education provision.

GREATER SCRUTINY THROUGH COMMITTEES

One of the flaws of the present system of government is the lack of a formal Opposition. This is primarily because any Party with over 10 MLAs is likely to be entitled automatically to a seat in the Executive. There is however no obligation on a Party to take up its place in the Executive - any party is entitled to forgo this and form an Opposition.

However, pending changes to the present configuration, the Departmental Committees have an important role to play in holding Ministers and Departments to account.

VOTING IN THE EXECUTIVE

We believe that the Executive and Assembly operate best when Parties operate together and on the basis of unanimity. For various reasons, this has not always proven possible. However every effort should be made to rectify this position.

Until there are long-term changes to the arrangements, we believe that steps can still be taken to make the Executive more inclusive and which do not require any formal changes to the rules. Subject to the outcome of the election and based on the good faith of all Parties involved we are prepared to make the following proposal:

In circumstances where other Executive Parties behave responsibly and constructively, the DUP will not normally force a vote against the wishes of another Executive Party. Instead, we will defer any such vote pending further consideration of the issue. However, in return for such a deferral we would expect that those opposed to a proposal would set out their specific objection and proposed amendments to the paper. This offer is only sustainable where it is not used for party-political advantage or to frustrate decisions.

JUSTICE ARRANGEMENTS

Before Policing and Justice powers were devolved there were key changes to how they were to be exercised. In particular, any political role in the appointment of the judiciary has been removed; cross-community agreement is required for the election of the Justice Minister; and quasi-judicial decisions do not require Executive agreement. The structures in relation to the Department of Justice have operated well since the devolution of justice powers in April 2010, but these will expire in 2012. We believe that any change to the current framework should only be considered in the context of a wider review of the devolution arrangements, whether before 2012 or 2015.

CIVIC FORUM

The Civic Forum has not been restored since 2007 and we see no case for its reintroduction. Nevertheless, where possible, we should seek to involve people from wider civic society where they can add value to decision-making.



NUMBER/REORGANISATION OF DEPARTMENTS

We propose that the number of Departments should be reduced to 6-8 and propose the following structure.

OFMDFM would be reconstituted as the Executive Office with its concentration on dealing with Executive business and including responsibility for many of the central or cross-Governmental functions.

In addition there would be seven ordinary Departments.

- A Department of the Economy and Business with responsibility for all economic issues including skills, sport and culture.
- A Department for Education with responsibility for young people, schools and higher education.
- A Department of Health and Social Services.
- A Department for Regional Development with responsibility for roads, water, transport as well as planning and urban regeneration.
- A Department of Justice
- A Department of Communities and Social Welfare with responsibility for Local Government, Housing, Land and Property Services and the Social Security Agency.
- And a Department of Agriculture, Environment and Rural Development which would also have responsibility for the Northern Ireland Environment Agency.

NUMBER OF MLAS

We propose that the number of MLAs should be reduced to 4 or 5 per constituency and a maximum of 80 from the 2015 Assembly election.

NORTH-SOUTH ARRANGEMENTS

Relations between Northern Ireland and the Republic of Ireland have never been better. With the changes arising out of the St Andrews Agreement, the present north-south Institutions present no constitutional threat to Northern Ireland. The extent to which they represent good value for money is a separate issue. While we strongly oppose politically motivated Cross-Border Bodies, we will support co-operation which is in the interests of Northern Ireland.

RESIGNATION OF MINISTERS

Provision already exists for the removal of Ministers within the Northern Ireland Act. However, in effect, this provision is significantly limited by the requirement that any vote of the Assembly to remove a Minister requires a cross-community majority as defined by the Act. In practice it therefore is not possible for the Assembly to remove a Minister from either of the two largest Parties in circumstances where the Minister continues to command the support of his Party's Nominating Officer. This is a severe limitation on the application of the relevant provision.

As an alternative in the short-term, consideration should be given to a non-binding motion of no confidence in a Minister which, while lacking formal legal effect, could have considerable political effect and, for which, there would be no automatic requirement for a cross-community vote. Indeed, the Assembly should establish a convention whereby Petitions of Concern are not used in relation to votes of confidence.

Following the passing of a vote of no confidence in a Minister it would be a matter for the individual or the Party's Nominating Officer to determine the future of that Minister. It would be a matter for the public as to whether the vote of no confidence was legitimate or a party-political stunt or whether the failure of a Minister to resign or be dismissed by their Nominating Officer was an improper failure to recognise the authority of the Assembly.

While this proposal falls short of an ideal situation, it may strike the balance between the opportunity for the Assembly to speak its mind and the protection of Ministers from purely party-political attacks.

This alternative also has the advantage of not requiring any formal change to legislation or the rules of the Assembly.



PROPOSALS FOR ST ANDREWS REVIEW – BREAKING DOWN DIVISION

In the medium-term it is essential that we seek to break down the institutional arrangements which entrench division and divide the community. Our proposals for the St Andrews review will be designed with this aim in mind.

DESIGNATION

We propose the abolition of community designation in the Assembly. Community designation is not only fundamentally undemocratic as it does not provide equality for all Assembly Members' votes, but it also entrenches community division and hinders the development of normal politics in Northern Ireland. As a result of the abolition of community designation new arrangements will be required for the Assembly and Executive.

VOTING ARRANGEMENTS

Where a cross-community vote is required by legislation or triggered by a Petition of Concern, a proposal would require the support of 65% of Assembly Members present and voting to pass.

The 65% threshold means that a proposal would need to have widespread support across the community but would not permit a small minority to block decision-making. It would also permit various combinations of parties to pass a particular proposal with no single party holding a veto. It would also allow differing coalitions to pass proposals on different issues without any single group holding the Assembly to ransom. This arrangement would also encourage greater co-operation and compromise in the Assembly to obtain sufficient support for proposals to pass.

In the Executive analogous voting arrangements would also be introduced to require the support of parties representing 65% of Assembly Member voting in favour to pass.



DUP: MAKING STORMONT WORK BETTER

[10]



DUP: MAKING STORMONT **WORK BETTER**

[11]

MAKING STORMONT
WORK BETTER



MAKING STORMONT WORK BETTER

The DUP values the views of members of the public.
We are keen to hear your opinions. If you have any views on
our proposals that you would like to contribute as we develop
our strategy further, please email consultation@dup.org.uk
or write to: DUP Policy Unit, 91 Dundela Avenue, Belfast BT4 3BU.



www.dup.org.uk

Party Headquarters: 91 Dundela Avenue, Belfast. BT4 3BU Tel: 028 9047 1155

Stormont Office: Room 207, Parliament Buildings, Stormont, Belfast BT4 3XX

European Office: Garvey Studios, Longstone Street, Lisburn, Co. Antrim BT28 1TP

Westminster Office: DUP Whip's Office, House of Commons, London SW1A 0AA

Green Party

Section 1 Stakeholder Details				
Stakeholder Name		Telephone Number		
The Green Party in Northern Ireland		028 9052 1141		
Stakeholder Address		Stakeholder Type (Include one or more X)		
76, Abbey Street Bangor County Down BT20 4JB.		Registered Political Party	X	Local Government
		Academic		Government
		Legislature		Non-Government
		Other (Please Specify)/ Member of the Public		
Please provide some background information on your role as a stakeholder				
<p>(This box will expand as you type)</p> <p>The Green Party in Northern Ireland is a registered political party in Northern Ireland. We have a single MLA representing North Down and three councillors in North Down Borough Council, Castlereagh Borough Council and Down District Council.</p>				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma. Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means. Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>				
Section 4 Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider				
(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link				
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>				

In the opinion of GPNI, the AERC has developed a flawed set of terms of reference for this review and has erred in excluding consideration of alternative voting systems in this activity. Indeed, the first two issues of the terms of the reference assume a priori key features of the Assembly electoral system (e.g. a number of MLAs per constituency, link to Westminster constituencies) without taking a much broader look at how our MLAs are and could be elected.

AERC has correctly identified representation of public interest as a key function of the MLA and we argue that the Assembly electoral system is critical in determining how representative the Northern Ireland Assembly is. By excluding consideration of electoral systems the AERC has eliminated the possibility of examining how to make the Assembly MORE representative (in terms of minority views, number of female representatives etc.) at the same time as delivering a smaller Assembly. We are compelled to criticise the terms of reference as a one-dimensional approach to a three dimensional problem.

GPNI is committed to a smaller Northern Ireland Assembly elected either by (1) a form of multi-member constituency PR-STV with a “top-up” regional list or (2) an Additional Member System with single member constituencies and a single Northern Ireland Regional Constituency

Not only would we welcome a decoupling of Assembly boundaries from Westminster boundaries but, clearly, we believe there should be a complete redesign of how the Assembly is elected. New constituencies should be built in a “bottom up” fashion from new Local Government electoral wards and council boundaries.

Single member constituencies would have the advantage of moving away from the “one of ours, one theirs” characteristic of current Assembly constituencies and members. A single member would then be responsible for all constituents.

Under a form of multi-member constituency PR-STV with a “top-up” regional list we would imagine 16 Assembly Constituencies with 4 members per constituency and 16 members from a regional “top-up” list to give an Assembly of 80 members.

Under the Additional Member System we would imagine 40 single-member Northern Ireland Assembly constituencies and 40 members elected from a Northern Ireland wide regional list. Such a system would be particularly beneficial for promoting representation from under represented gender and ethnic groups.

If we are to continue with PR-STV in multi-member constituencies GPNI cannot countenance less than 6 members per new Assembly constituency as this effectively sets the limit of representative participation to parties achieving 14% of the vote, or the quota for such a constituency. As a benchmark, in the German Federal Election system 5% is the threshold for representative participation.

Again, for emphasis, the review cannot come to an optimum solution on the numbers of MLAs because it is not considering alternative methods for their election.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

As outlined above, we believe the reduction to 96 members will not have an adverse impact on the operation of the assembly.

Reducing the Assembly below 96, under the current electoral system, severely limits the key representative function of MLAs and should not be countenanced whatever the minimal cost savings that might result. A reduction below this number, 6 per constituency, should only be undertaken in parallel with a decision on more representative electoral systems.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

The representative function of the Assembly is critically linked to the method of election of its members.

We believe a **representative** Assembly of 80 members, elected under a new electoral system, would be adequate to perform the legislative and scrutiny functions required of it.

Considering the numbers of MLAs who are also elected councillors, and indeed MPs, it could be argued that the Assembly is already operating at below 108 member effective capacity.

The Committee should consider adopting a position of strict opposition to multiple electoral mandates being held by Assembly members.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

GPNI believes that there should be a fundamental review of the Assembly committee system in the context of a reduced number of Government departments.

We do not believe that the Good Friday Agreement mandates that all Assembly members **should** be allocated a statutory committee place, only that that opportunity should be available to them. The AERC committee should not be constrained by this provision.

With regard to the effective running of committees specific proposals that we support include:

- (1) A reduction in the number of members per statutory committee to 9.
- (2) A prohibition on committee Chairs from holding any other committee position (as well, of course, as seats on local councils or at Westminster)
- (3) Strong consideration to be given to a standing order provision that a committee vacancy must be allocated to an MLA without any committee responsibility in preference to an MLA with an existing committee responsibility.
- (4) Scheduling of both standing and statutory committee business so that it does not clash with Assembly plenary business.
- (5) The merging of the Audit and Public Accounts standing committees.

In the scenario of a **96 member Assembly with 10 statutory committees** we expect there will be absolutely no impact on the effectiveness of Assembly committee operation.

With adoption of "low hanging fruit" proposals, such as those above, and from other stakeholders, there is undoubtedly opportunity to improve the effectiveness of Assembly and committee business.

A subsequent, more thorough, review of the committee system with a particular focus on an overarching planned legislative programme will deliver additional efficiencies.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?
In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

GPNI provides two models of Government departments/ministers addressing two different scenarios. The first scenario is an incremental approach, assuming the constraint of mandatory coalition enshrined in the Good Friday Agreement. This scenario proposes 10 government departments.

The second scenario is our view of the thematic portfolios that should be allocated within the context of an Executive formed as an 'agreed' coalition. This scenario would have 7 government ministers in addition to a First Minister acting as head of government.

We emphasise that it is our position that the move towards an "agreed Executive" with a formal opposition would be a substantive change to the Good Friday Agreement and must be endorsed by the people through a referendum.

(1) Incremental approach; mandatory coalition. 10 departments.

- Department of Health and Well Being
- Department of Culture, Arts and Leisure
- Department of Education and Learning
- Department of the Economy
- Department of Agriculture and Food
- Department of Social Development
- Department of the Environment (including Rural and Regional Development)
- Department of Justice
- Department of Finance and Personnel
- Office of First and Deputy First Minister

(2) Thematic approach in context of an "agreed Executive" with a formal opposition. 7 Ministers.

- Minister for a Sustainable Economy
- Minister for Health and Well Being
- Minister for Education and Life Long learning
- Minister for Social Equity, Culture and Children
- Minister for Justice and Equality
- Minister for Energy
- Minister for Food and Agriculture

Sinn Féin (SF)

Section 1 Stakeholder Details				
Stakeholder Name		Telephone Number		
Sinn Féin		02890521471		
Stakeholder Address		Stakeholder Type (Include one or more X)		
Sinn Féin 53 Falls Road Belfast, BT12 4PD, Ireland		Registered Political Party	<input checked="" type="checkbox"/>	Local Government
		Academic	<input type="checkbox"/>	Government
		Legislature	<input type="checkbox"/>	Non-Government
		Other (Please Specify)/ Member of the Public		<input type="checkbox"/>
Please provide some background information on your role as a stakeholder				
Sinn Féin is the only All-Ireland political party. We have five Ministers in government in the North, including the deputy First Minister Martin McGuinness, 29 MLAs, 14 TDs 3 Senators and 1 MEP				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma. Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of it Report or other means. Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>				
Section 4 Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider				
(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link				
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained. If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p> <ul style="list-style-type: none"> Sinn Féin would consider options to decouple Westminster constituencies to replicate RPA as part of any overall review. 				
(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs				
<p>What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?</p> <p>A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?</p> <p>Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?</p>				

<ul style="list-style-type: none"> • Reductions in representation could potentially marginalise smaller parties and independents. • Sinn Féin want an inclusive Assembly as possible - We will consider all options that reflect the inclusiveness and equality envisaged by the GFA.
<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.</p>
<p>What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?</p> <p>Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?</p> <p>What factors should the Committee take into account when deciding on the size of the Assembly?</p>
<ul style="list-style-type: none"> • Sinn Féin is committed to adequate representation for all groups and communities within our society. The current political institutions and arrangements, as established under the GFA are unique to our society which is in a post-conflict stage.
<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system</p>
<p>Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.</p> <p>In particular, what changes would you propose to ensure a robust and effective committee system?</p>
<ul style="list-style-type: none"> • There is no evidence that a reduction in MLAs would impact on the effectiveness of the Assembly however it would likely have an impact on smaller parties and marginalised groups within our society.
<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained</p>
<p>How many departments are required to effectively discharge the current range of devolved functions?</p> <p>In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?</p>
<ul style="list-style-type: none"> • We are not opposed to a reduction in the number of departments.

Tradtional Unionist Voice (TUV)

Section 1 Stakeholder Details				
Stakeholder Name		Telephone Number		
Traditional Unionist Voice, TUV		028 2564 0250		
Stakeholder Address		Stakeholder Type (Include one or more X)		
c/o 38 Henry Street Ballymena Co Antrim		Registered Political Party	X	Local Government
		Academic		Government
		Legislature		Non-Government
		Other (Please Specify)/ Member of the Public		
Please provide some background information on your role as a stakeholder				
<p>Traditional Unionist Voice is a political party.</p> <p>Our core beliefs are summed up in four principles.</p> <p>We are:</p> <ol style="list-style-type: none"> 1. Wholly committed to the Union of Great Britain and Northern Ireland; 2. Desirous of devolution compatible with democratic principles and precedents prevailing elsewhere in the UK, thus causing us to reject the present undemocratic mandatory coalition model which puts Sinn Fein in government; 3. Adamant that the rule of law must prevail in every part of Northern Ireland and be administered without fear or favour and 4. Supportive of traditional family values. 				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma.</p> <p>Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.</p> <p>Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>				
Section 4				
Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider				
(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link				
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>				
<p>There is no compelling reason to keep the present link between the Westminster and Northern Ireland Assembly constituencies.</p> <p>12 constituencies, each returning 6 members, would give an appropriately sized Assembly.</p>				

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs
<p>What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?</p> <p>A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?</p> <p>Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?</p>
<p>There can be no justification for 108 MLAs, and while 96 is better it is still too many for this small region.</p> <p>72 would be an appropriate number produced by 6 MLAs from each of 12 Northern Ireland constituencies.</p>
(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.
<p>What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?</p> <p>Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?</p> <p>What factors should the Committee take into account when deciding on the size of the Assembly?</p>
<p>The correlation between reducing the number of MLAs and the number of departments is obvious. If the departments were reduced to 6, 72 MLAs would be more than adequate.</p>
(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system
<p>Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.</p> <p>In particular, what changes would you propose to ensure a robust and effective committee system?</p>
<p>The key mitigating factor in regard to reducing the number of MLAs is a corresponding reduction in the number of departments. With 6 departments scrutiny committees of 10/11 members each is possible.</p> <p>The statutory basis of the scrutiny committees needs to be changed from their functions being to “advise and assist” ministers and departments to “scrutinise and hold to account” ministers and departments</p>
(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained
<p>How many departments are required to effectively discharge the current range of devolved functions?</p> <p>In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?</p>
<p>Six, plus First Minister’s Office</p> <p>Dept of the Economy (DETI , DEL & DRD)</p> <p>Dept of Agriculture & the Environment (DARD & DOE)</p> <p>Dept of Health</p> <p>Dept of Education</p> <p>Dept of Justice</p> <p>Dept of Finance</p> <p>First Minister’s Office (OFMDFM, DCAL & DSD)</p>

Section 5
Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

Basic changes to the structures of government are required to enhance democracy.

The fundamentals of the electorate being able to change its government and have an Opposition in the Assembly are imperatives. Thus mandatory coalition must go with, after each election, those who can agree a PFG and command the requisite majority forming the government, and those who can't - whoever they might be - forming the Opposition.

The dysfunctional office of OFMDFM should be abolished with the single position of First Minister filled as part of the negotiations leading to the formation of government.

Ulster Unionist Party (UUP)

Section 1 Stakeholder Details				
Stakeholder Name	Telephone Number			
Ulster Unionist Party	02890463200			
Stakeholder Address	Stakeholder Type (Include one or more X)			
Ulster Unionist Party First Floor, 174 Albertbridge Road Belfast BT5 4GS	Registered Political Party	X	Local Government	
	Academic		Government	
	Legislature		Non-Government	
	Other (Please Specify)/ Member of the Public			
Please provide some background information on your role as a stakeholder				
<p>The Ulster Unionist Party was formally founded in 1905 and has a history of over 100 years of public service for all the people of Northern Ireland, spanning the creation of the State, the defence of the State in the face of continuous terrorist attack, and the brokering of peace and power-sharing devolved government structures. Our representation currently includes our MEP, 15 MLA's and 98 Councillors.</p>				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma. Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means. Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>				
Section 4 Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider				
<p>(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link</p>				
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>				

The Ulster Unionist Party is not in favour of decoupling from the Westminster constituency model for Assembly elections.

Firstly, it has the potential to create unnecessary confusion as the public would be faced with three differing boundary sets given the new 11 council model, the Westminster Constituencies and decoupled Assembly constituencies. This was part of the rationale behind the Ulster Unionist Party position against the 11 council model and in favour of the 15 council model using the Westminster Boundaries.

Secondly, this would mean that the existing discrepancies with the variation of representation of the current constituencies would continue despite population changes.

Thirdly, the link with Westminster constituencies is an important one which the Ulster Unionist Party would be reticent to break given Northern Ireland's integral place within the Union.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

The Ulster Unionist Party is mindful of the fact that under the Parliamentary Voting Systems and Constituencies Act 2011, Northern Ireland's representation at Westminster is to be reduced from 18 to 16, and that each constituency should have an average number of electors of 76,641.

This reduction in Westminster constituencies will result in a decrease of 12 MLA's under the current legislation. It is also expected that there will be a considerable reduction in local councillors with the proposed new local government model. We view this review as another step on the journey, not the destination. The Belfast Agreement in 1998 was about inclusive government and the reduction by 12 MLA's will make for more effective government. It is important to embed this change before taking the next step.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

The effective scrutiny of Ministers and their Departments needs sufficient members for the corresponding Statutory Committees. In addition, an adequate number of members need to be available for Standing Committees.

The actual number of members required to operate the Committees will be dependent on the number of Departments and numbers on Committees.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

The Ulster Unionist Party supports the reduction to 96 MLA's. With a reduction in Departments, as contained within the Programme for Government, there will also be a need for fewer statutory Committees. We believe this could be achieved with minimal disruption to the current Committee structure.

In order to ensure that Committees remain effective with fewer MLA's we believe it is important to maintain a sufficient level of research and support services.

The Ulster Unionist Party are content with the current membership number of 11 within each committee, however, we recognise that this would be likely to alter given the reduction of MLA's and if there are further reductions in the number of departments.

The inclusive nature of the NI Executive was designed to ensure cross community agreement and a wide community buy in. This has been successful in moving Northern Ireland forward and there is now a wide acceptance of the Assembly and the decision making that has been devolved to it. However, we must always attempt to improve accountability in any democracy. It is presently unhealthy that the electorate could expect to see a similar makeup of the NI Executive before and after each election. We would argue that more accountable government should be created which, whilst continuing to require cross community support, could allow the electorate to determine those who would be in government and those who would not. We believe that evolution to more normal democratic structures and accountability should also be considered by the AERC Committee under the current review.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions? In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

The Ulster Unionist Party has called for a review of government Departments for some considerable time and we would like to see a reduction to a maximum of 8 (plus OFMdFM).

The Independent Review of Economic Policy (IREP) proposed the creation of a single Department of the Economy to spearhead Northern Ireland's economic recovery. Given that the economy is the number one priority of the Executive, we have called for this to happen immediately and before the review of strand one institutions.

Further to that we are committed to engaging in the debate over the number of government Departments which would bring about the most effective governance of Northern Ireland.

Section 5

Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

It must be noted that any changes to government structures should be looked at in a holistic manner. Any reductions in the number of MLA's and Departments or changes to the Committee system or constituency makeup are linked and must be considered concurrently.

The Ulster Unionist Party therefore reserves the right to make decisions based on the specific circumstances of the particular time.

We also note that the scope of the paper does not cover the full range of issues agreed at a meeting of Executive Party Leaders on 13 March. The Secretariat to the Executive Party Leaders' meetings wrote to you detailing a dozen areas that were recommended to the AERC for consideration. The Ulster Unionist Party is keen to see this broader range of issues come under review.

David McNarry MLA (Independent)

Section 1 Stakeholder Details				
Stakeholder Name		Telephone Number		
David McNarry MLA		028 9052 1853		
Stakeholder Address		Stakeholder Type (Include one or more X)		
		Registered Political Party	<input checked="" type="checkbox"/>	Local Government
		Academic	<input type="checkbox"/>	Government
		Legislature	<input type="checkbox"/>	Non-Government
		Other (Please Specify)/ Member of the Public		
Please provide some background information on your role as a stakeholder				
I have been MLA for Strangford since 2003 and prior to that I was Special Adviser to the First Minister, Rt Hon David Trimble MP/MLA, now Lord Trimble. My career background is in business.				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma.</p> <p>Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.</p> <p>Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>				
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<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>				

The Northern Ireland Assembly is a devolved institution deriving its power from the Westminster Parliament which is sovereign. Due to this, I believe it would be inappropriate to decouple the Assembly seats from Westminster Parliamentary constituencies. It would also introduce unnecessary expense at a time when public money should be used for priority items such as tackling youth unemployment.

With 16 Westminster seats this indicates either 5 or 6 seats per constituency. There is already considerable public criticism of the number of MLA's in the Assembly. At 108 it compares unfavourably with the 2 other devolved institutions – the Scottish Parliament and the Welsh Assembly. There are 3,985,161 people eligible to vote for MSPs in the Scottish Parliament. With a total of 129 members, this works out at an average of 30,632 voters per member. In Wales, the electorate for AMs in the Welsh Assembly is 2,302,300. With a total of 60 members, this works out at an average of 38,371 voters per member. In Northern Ireland, there are 1,223,139 on the electoral register, and with 108 MLAs, this works out at an average of 12,231 voters per member. Clearly this discrepancy cannot continue, especially as the number of departments is being reduced from 12 to 8, a reduction of a third. A similar reduction in the number of MLA's would indicate 72 MLA's. By keeping a link to the 16 Westminster constituencies this indicates a total of 80 MLA's with 5 members in each. That would still equal 15,289 voters per member which is still less than half that in Scotland and Wales.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

There are two problems which arise from a reduction in the total numbers of MLA's. One is the need to have sufficient MLA's to service the Assembly committees. With the reduction in the number of departments, this problem is eased. The other is the difficulty which arises when minority communities – unionists west of the Bann and nationalists east of the Bann – do not have any representation in the Assembly. In the old Stormont Parliament this was eased by having a second revising chamber or Senate where minority communities could have a voice.

These factors have to be balanced since minority representation is a key part of inclusiveness. In other legislatures these problems can be got around by having a system which is, in part, territory based and, in part, party-list based, as in Germany. The arguments against this centre on the idea that Stormont is already too dominated by parties and that the party-led model weakens rather than strengthens democracy. Stormont is already dominated by party machines.

That said, I believe there would be considerable public opposition to retaining the existing 6 member constituencies. There is a perception that the province is over-governed and over-regulated.

The only situation where present MLA numbers could be maintained would be a uni-cameral solution where the Assembly took over most or all of the functions of local government with the massive savings and efficiencies of scale that would entail for the public purse. The main objection to this is the loss of local democracy. I believe local democracy should be enhanced rather than diminished. This could be done, for example, by town hall meetings as in the United States where the public have a right to debate important issues with their elected representatives present. This leads to both the public and the representatives being better informed.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

The effectiveness of the Assembly is more related to the work that it does than to the number of committees, though this latter is important. There needs to be an optimum number decided on for the committees which reflects the workload and the need to maintain political balance.

Committees should, in my view, be engaged on a major programme of legislative revision. There are many laws on the statute books which are hopelessly outdated and need to be improved and changed and made more appropriate to the modern world. I believe this would increase the work of committees and would bring substantive revising legislation from the committees to the floor of the Assembly which would be vastly preferable to the endless non-binding debated which dominate business at present.

I believe this would have the effect of making the Assembly more of a working body and less of a debating chamber. I believe the public would approve of this and it would increase respect for the Assembly.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

I refer you to my answer to Q(3) above.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

There should in my view be seven or eight departments – a department of the economy, a department of finance, a department of education and skills, a department of agriculture, a department of tourism and culture, a transport ministry and a housing ministry. The First Minister's department could be combined with the department of finance, which would reflect where the power lies in government.

The departments should be primarily concerned with setting policy and monitoring the delivery of that policy. Where possible services should be increasingly delivered by the private sector, on a competitive tender basis, making large savings to the public purse and rebalancing our economy between the public and private sector in the process.

Clerk/Director General of the Northern Ireland Assembly



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John Simmons
Clerk
Assembly and Executive Review Committee
Room 375
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Ballymiscaw
Belfast
BT4 3XX

15 March 2012

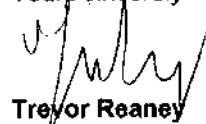
Dear Mr Simmons

Please find attached a response to the Committee's request that I make a submission to the Committee's review of the Size of the Northern Ireland Assembly and the Number of Northern Ireland Departments.

Decisions in relation to the size and structure of the Assembly are for politicians to make as part of the democratic process. In this submission I have therefore sought to reflect on the issues that would seem to be within my remit as Clerk to the Assembly in serving and supporting the Assembly in its role of representing the interests of the electorate, making effective legislation, and influencing the Executive and holding it to account.

I remain convinced that even during these challenging times the Assembly Commission's vision of being at the forefront of providing outstanding and progressive parliamentary services can be realised. I trust that my evidence to the Committee will be of assistance in considering how to address the challenges posed by institutional reform.

Yours sincerely



Trevor Reaney
Clerk/Director General

Section 1 Stakeholder Details				
Stakeholder Name	Telephone Number			
Stakeholder Address	Stakeholder Type (Include one or more X)			
	Registered Political Party		Local Government	
	Academic		Government	
	Legislature	X	Non-Government	
	Other (Please Specify)/ Member of the Public			
Please provide some background information on your role as a stakeholder				
(This box will expand as you type)				
Clerk / Directorate General of the Northern Ireland Assembly.				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma. Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means. Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>				
Section 4				
Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider				
(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link				
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>				
This is not a matter which would seem to fall within my area of expertise or responsibility and I do not therefore propose to comment.				

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

In parliamentary terms the key implication of the Act and any further reduction in the number of MLAs will be a **reduction in the Member time available to undertake parliamentary functions**. This is obviously of importance in a Member-led institution such as the Assembly.

The Committee will therefore wish to consider the implications of the reduced number of MLAs in terms of the capacity of the Assembly and its members to deliver the full range of functions of the Assembly and whether in reducing the number of MLAs or the number of MLAs per constituency it will have implications for specific functions.

The Interparliamentary Union¹ in its guide to parliamentary practice identify the following main functions of a legislature:

- **Parliaments legislate**- they adopt laws that govern society in a structured manner.
- **Parliaments oversee the Executive**- they monitor performance by the Executive and departments to ensure that they operate in a responsible and accountable manner.
- **Parliaments allocate financial resources to the Executive**- parliaments approve and allocate the revenue that the Executive requires to carry out the policies that it formulates and monitor spending.

I would suggest that modern legislatures have a number of further core functions, including in particular:

- **Representing the interests of the people**- in a self- assessment exercise conducted by the Assembly² in 2010 Members considered that they spend most of their time on constituency work (40-60%) and that their work in committees and in plenary was also often directed towards supporting this role. Members also ranked protecting and promoting the interests of the constituency and dealing with constituency problems as being the most important aspects of their role.
- **Advising and assisting the Executive**- this role is specifically allocated to the statutory committees of the Assembly, who in addition to scrutiny work also conduct policy inquiries to assist and inform Executive decision making.
- **Engaging the public in the work of the Assembly**- this can both assist the Assembly to do its work, as well as building understanding and therefore support for the role of democratic institutions.

If the number of MLAs reduce, in order to sustain effectiveness it will be necessary to **identify new approaches which maximise the contribution of Members to key parliamentary roles and enable Members' time to be utilised to greatest effect**. This is likely to require significant reform to current arrangements and careful consideration by Members in relation to balancing their various roles and prioritising the work that they undertake.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

Factors to be taken into account

The size of the Assembly is only one, though an important one, of many institutional factors in determining whether the roles and functions of the Assembly as described in section 2 can be delivered effectively. Other such factors include the powers of the Assembly and its committees, representativeness of the committee system, parliamentary procedures, the resources available to the legislature, relationship between the parliament and the Executive, etc.

There are additionally a range of organisational and management issues such as how business is organised and conducted, how proceedings are communicated and reported, the level and type of support available to Members and committees, the quality of external support for parliamentary scrutiny and the level of engagement by key stakeholders with the legislature, which will also impact on performance.

In relation to the size of the Assembly, as well as thinking about the capacity to deliver the full range of roles previously discussed, it is important that consideration should also be given to the scope of matters in relation to which these roles are delivered. Following devolution of policing and justice the Assembly is responsible for considering the full range of devolved matters, including, uniquely amongst the devolved legislatures, in relation to social security. This will be unaffected by any decision in relation to the number of departments but may be affected by decisions currently under discussion about the further devolution of powers of taxation, most notably corporation tax.

The Assembly is still a developing institution and the Committee may wish to seek to future proof its recommendations, both in terms of the Assembly and the number of departments, against what would seem to be a likelihood of increased devolution of functions. The Committee may also wish to consider whether other possibilities, such as the desire for the Assembly to work with the Executive to be more influential and have more profile on an international stage, would have any implications for its recommendations.

The population of Northern Ireland is also a relevant factor, most particularly in relation to the representation role.

There is no obvious optimal size for the Assembly and the judgement for the committee is likely to involve ensuring that the combination of solutions it proposes in terms of the number of Members, how the Assembly organises itself, the procedures and systems that it adopts, the resources and expertise available to support Members, etc., enhances and support effectiveness.

A particular issue for consideration, which the Committee has rightly identified is the importance of an effective committee system in unicameral parliamentary systems. This is dealt with in more detail under Section 4, but maximising the contribution made by Members to scrutiny, policy and legislative development through the committee system is likely to be of the utmost importance in sustaining Assembly performance.

The Interparliamentary Union³ has established a framework for self-assessment in democratic parliaments. **The Union identified the need for parliaments to be representative, transparent, accessible and effective at local, national and international level** and the Committee may wish to consider when it has developed its overall recommendations the extent to which the proposals will enhance or diminish these features.

Reform elsewhere

The Committee may wish to consider the report of the House of Commons Reform Committee⁴ in 2009 and the recommendations which sought amongst other things, and in the context of real world politics and constraints such as recognising the right of the government to progress its priorities, to enhance the House's control of its agenda and procedures, the collective power of the chamber, transparency of decision making and the ability of the public to influence proceedings. Key recommendations of the Select Committee, many of which have been subsequently implemented included:

Committees

- Proportional allocation of seats
- Smaller select committees
- Rapid selection of committee membership after elections

House

- Establishment of Business Committee and backbench Business Committee
- Establishing slots for debate of backbench motions

Public Involvement

- Working towards an e-petitions system and enabling the public to ensure an issue is debated
- Opening up the legislative process

It is noticeable that a number of these innovations are already provided for in the Assembly, which perhaps highlights the importance of sustaining the strengths of new parliamentary institutions, such as the Assembly, whilst of course rightly seeking to make further improvements.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

Current performance

In 2010 a project team of the Assembly conducted a self-assessment⁵, which involved an assessment of the activity and outputs of the Assembly and its committees, as well as consultation with Members and their staff. The assessment identified that the Assembly and its Members were very productive and in the period May 2007- July 2010, held 1,679 committee meetings, produced 141 committee reports, debated 788 motions, asked 31,583 written questions and received answers to 1,870 oral questions. By the end of the mandate the Assembly had passed 69 Bills (including 3 Private Members' Bills) to which it made 913 amendments. In addition, Members will have considered and sought to address many thousands of constituency problems.

The views of Assembly Members interviewed as part of the self-assessment were generally positive in relation to the operation of the Assembly, with Members recognising that the Assembly was still relatively young and therefore still developing. In general, Members viewed the Assembly as being an improvement on direct rule, transparent, with committees which are reasonably effective and improving legislative scrutiny. The assessment did of course identify areas such as access to information, use of technology and scrutiny of budget and expenditure which require action to improve overall effectiveness.

I have highlighted the results of this work for two reasons. Firstly, to **record the very significant representative, scrutiny, policy and legislative work conducted by Members and the challenges in seeking to sustain this going forward and secondly to highlight the type of issue which may need to be considered in seeking to maintain effectiveness.**

For example, how can we ensure that the transparency brought to the institutions through questions or by committees which largely meet in public and often away from parliament buildings, is maintained or indeed even enhanced? In this regard, it is notable that direct interaction with Members has a significant impact on how positively the public view political representatives. Also, how can the Assembly ensure that members who might be considered to be "backbenchers" are able to have issues of importance to them and their constituents debated and addressed? How can financial scrutiny be improved without unnecessarily delaying required approvals?

Since the assessment, work has been ongoing to improve performance, with, for example:

- New procedures put in place to support the development of Private Members' Bills, resulting in a continued high level of interest and commitment among Members.
- Detailed work has been undertaken by the Finance and Personnel Committee to develop, with agreement of the Executive, processes to improve financial scrutiny.
- The Procedures Committee has established a range of options to enable committees to respond to cross-cutting issues and pilots of innovations such as committee rapporteurs are being undertaken.
- Efforts to improve the specialist knowledge available to Members, including in the area of financial scrutiny, are also being actively progressed and a Legislative Strengthening Trust has been established.
- The Speaker has been actively encouraging an early announcement of the legislative programme to facilitate more timely and effective legislative scrutiny and ensure business and sittings of the Assembly are manageable and consistent.

The Committee may wish to consider what further action is required in these areas to maximise the contribution made by Members. One suggestion that I would make, based on the experience of other parliaments, is that **investing in the continuing professional development of Members, and indeed staff, has the potential to make a significant contribution to effectiveness**, particularly in a relatively young institution such as the Assembly. I would strongly support the development of specific plans to support Members in fulfilling effectively their various parliamentary roles.

The National Assembly for Wales has, for example, recently invested in the establishment of a Professional Development Team to support professional development for Assembly Members and their staff.

Committees

Any change in the number of Members is likely to require a significant change in how business is organised and in the procedures of the Assembly if the range of roles are to be fulfilled effectively. As identified by the Committee itself this is particularly important in terms of the committee system.

It is suggested therefore that a reduction in the number of Members should result in a detailed review of the Committee system.

Whilst the most obvious issue for consideration might be matters such as the number of Committees and the number of Members, matters on which the Committee has already received research, there are a range of other key issues of relevance to effectiveness such as:

- How to prevent committees with a wider range of functions being dominated by consideration of Executive priorities, such as, legislation?
- How to address areas of existing concern within committees which will have even more on their agenda. In particular, how to increase engagement with EU institutions and how to improve financial scrutiny?
- Will new approaches be required to enable the current very high level of “engagement” with committees, and innovative approaches to evidence gathering, to be sustained?
- To what extent does the cross-party and inclusive nature of committees need to be maintained?
- How can the Assembly deal more effectively with cross-cutting issues?

As highlighted previously, I would strongly encourage an early start being made on a review of the committee system. It would be my view that the review should consider both statutory committees and standing committees. This would **allow consideration of whether to enable statutory committees to fulfil their roles effectively, in the context of less committees, perhaps with less members, provision needs to be made for specific committees to undertake detailed scrutiny of budget and expenditure and/or to lead on external liaison and European scrutiny.**

In addition, currently committees seem willing and able to engage directly with large numbers of stakeholders and local people are therefore able to have issues of importance to them raised at the Assembly with relative ease. If statutory committees are covering a wider range of functions, perhaps with less Members, **it may be necessary to consider new innovations within the committee system to enable the public to put the issues of importance to them on the Assembly’s agenda.**

If a review of the committee system is to be undertaken, it may also be timely for the Assembly to consider **whether it would wish to enable committees of the Assembly, in line with other devolved legislatures, to have the power to make amendments directly during a committee stage.**

The inclusivity and cross-party nature of Assembly committees would seem to be valued by stakeholders and a review of the committee system may wish to consider how this can be sustained as the system changes and reforms. An issue which is perhaps worthy of consideration is whether there could be value in having differing sizes of committees depending on a committee’s functions or the scope of the area of scrutiny being undertaken. Such a decision might also impact on the use of sub-committees.

In maximising the contribution to committee scrutiny made by Members with a wide range functions, there could be significant value **in enabling chairpersons of scrutiny committees to be able to focus more time to this role.** It would also seem to be worth looking again at how to minimise the number of Members who are required to fulfill multiple committee roles.

There may also be some value in considering the role of the Chairpersons’ Liaison Group in informing such a review of the committee system, but also in supporting and overseeing the delivery of such a system and whether it should have a more formal role within the committee system.

Other issues

As well as matters of strategic interest, there may be an opportunity as part of the review to consider more technical issues relating to the operation of the Assembly.

There may also be some value in considering the role of the Chairpersons' Liaison Group in informing such a review of the committee system, but also in supporting and overseeing the delivery of such a system and whether it should have a more formal role within the committee system.

Other issues

As well as matters of strategic interest, there may be an opportunity as part of the review to consider more technical issues relating to the operation of the Assembly.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions? In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

This is not a matter which would seem to fall within my area of expertise or responsibility. The only comment that I would make is that a reduction in the number of departments will impact on statutory committees, though as indicated previously, the legislative and policy output for consideration by the Assembly is unlikely to be affected.

Section 5 Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

When it comes to implementation of any recommendations on institutional reform careful consideration will need to be given to the organisational and financial implications for the Assembly Commission of proposed changes.

A reduction in the number of MLAs is likely to result in some direct financial savings. However, there is likely also to be a need for investment in new initiatives to ensure that in reforming the institution's effectiveness is sustained and where practical enhanced. This will be challenging in the context of a budget which is reducing in cash terms by 8.9% by 2014/2015 and a staffing complement which is reducing to 375 by 2014/2015. Further consideration of staff and financial resources to support reform objectives and to sustain performance of the Assembly will be required.

Footnotes:

- 1 Inter-Parliamentary Union and UNESCO (2003), 'A Guide to Parliamentary Practice'.
- 2 Barry, R. & McAteer, S. 'The Northern Ireland Assembly: An initial self-assessment'.
- 3 Inter-Parliamentary Union (2008) 'Evaluating Parliaments: a self assessment toolkit for parliaments'.
- 4 House of Commons Reform Committee (2009) 'Rebuilding the House', 12 November 2009.
- 5 Barry, R. & McAteer, S. 'The Northern Ireland Assembly: An initial self-assessment'.

Clerk to the Welsh Assembly

Section 1 Stakeholder Details				
Stakeholder Name		Telephone Number		
Chief Executive and Clerk of the National Assembly for Wales		02920 898233		
Stakeholder Address		Stakeholder Type (Include one or more X)		
Cardiff Bay, Cardiff, CF99 1NA		Registered Political Party		Local Government
		Academic		Government
		Legislature	X	Non-Government
		Other (Please Specify)/ Member of the Public		
Please provide some background information on your role as a stakeholder				
<p>Who we are and what we do</p> <p>The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.</p>				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma. Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means. Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>				
Section 4				
Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider				
<p>(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link</p>				
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>				

The National Assembly for Wales is made up of 60 elected Assembly Members who each represent a specific area of Wales as a member of a particular party (Welsh Conservative, Welsh Labour, Welsh Liberal Democrat and Plaid Cymru) or as an independent Member. For an Assembly election, which takes place every four years, each registered voter has two votes. The first vote is for a local constituency Member. A Member is elected for each of the 40 constituencies in Wales by the 'first past the post' system, the system by which MPs are elected to the House of Commons - i.e. the candidate with the greatest number of votes wins the seat. The second vote is to elect a regional Member. Regional Members are elected by a form of proportional representation known as the 'Additional Member System', and voters vote for a political party. Each party must supply a list of candidates for the Additional Member seats in rank order. Wales has five electoral regions, and four Members are elected to serve each region. The electoral regions are based on the European Parliamentary Constituencies created in 1994. Each electoral region covers between seven and nine constituencies. The electoral regions are: North Wales; Mid and West Wales; South Wales East; South Wales West; South Wales Central. Four additional Members from each of the five regions are elected via the Additional Member System. The Additional Member System (AMS) goes some way towards ensuring that the overall number of seats held by each political party reflects the share of the vote that the party receives. The system uses the d'Hondt formula method.

The Parliamentary Voting System and Constituencies Act 2011 de-coupled National Assembly for Wales constituencies from Parliamentary constituencies. The latter will be reduced to around 30 in Wales. The new Parliamentary constituencies will apply to any UK election which takes place in or after about 2014 (the Boundary Commission won't be reporting on the new constituencies until October 2013). From then on there will be two different sets of constituency - Parliamentary ones and Assembly ones. There are currently no plans, or mechanisms, to revise the boundaries of Assembly constituencies.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?
A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?
Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

No comment.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?
Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?
What factors should the Committee take into account when deciding on the size of the Assembly?

The National Assembly for Wales is made up of 60 elected Assembly Members. Forty are chosen to represent individual constituencies, and 20 are chosen to represent the five regions of Wales (North Wales, Mid and West Wales, South Wales West, South Wales Central, and South Wales East). Assembly Members represent their area as a member of a political party or as an independent.
Following a referendum on the National Assembly for Wales's legislative powers held on 3 March 2011, the people of Wales voted in favour of granting the National Assembly for Wales further powers for making laws for Wales.
Effective scrutiny of a government's work is at the heart of any democratic process, and this work is undertaken by the National Assembly for Wales through a number of Committees made up of Assembly Members from all political parties.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

Committees are one of the key mechanisms that enable the National Assembly for Wales to fulfil its statutory and constitutional functions. At the Assembly, a committee is made up of a number of Assembly Members from different party groups who are appointed, by the Assembly in Plenary, to work together to undertake detailed work and carry out specific functions. The Assembly also decides who will be the chair of each committee. Members of an Assembly committee, or sub-committee, may not include anyone who is not an Assembly Member.

In the latter part of the last Assembly, the committee system settled into the following pattern:

- 18 committees were established, 17 of which could meet on a weekly or fortnightly basis;
- there were 118 places on those committees to be filled (an average of 2-3 seats (2.7) to be filled per Member);
- there were separate legislation and policy scrutiny committees;
- committees met routinely on Tuesday mornings, Wednesday mornings, Thursday mornings and Thursday afternoons;
- occasionally, committees met outside those times, usually on Monday afternoons.

Within the constraints applying – principally, the number of Members available, the times agreed for committee business and the procedural requirements necessary – the system settled into an effective rhythm and way of working. A large amount of scrutiny work was undertaken (176 reports) and the separate legislative committees meant that legislation (including Member and committee proposed legislation) was examined efficiently. Party groups took decisions about which of their Members were allocated to different committees, and the result was that there were particularly high demands on some Members – 14 Members sat on four or more committees, whilst others sat on only one or two. One of the most significant drawbacks of the system, identified by external bodies trying to engage with Members on relevant legislation, was that Members with the greatest knowledge and expertise in particular policy areas were often not those involved in the scrutiny of relevant legislation.

Currently, Standing Orders do not prescribe which committees must be established. They give the Assembly freedom to design a committee structure that reflects the priorities and circumstances of the day. They do include a requirement to ensure that key functions listed in Standing Orders are delivered by the committee structure. In 2011, the Assembly 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. In June 2011, the National Assembly for Wales established five committees to carry out these functions:

Children and Young People Committee (10 Members)

Communities, Equality and Local Government Committee (10 Members)

Enterprise and Business Committee (10 Members)

Environment and Sustainability Committee (10 Members)

Health and Social Care Committee (10 Members)

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.

Five additional committees have been established to undertake other functions specified in Standing Orders:

Constitutional and Legislative Affairs Committee (5 Members)

Finance Committee (8 Members)

Petitions Committee (4 Members)

Public Accounts Committee (8 Members)

Standards of Conduct Committee (4 Members)

A further committee, the Business Committee is responsible for the organisation of Assembly.

European issues are mainstreamed into the work of the Constitutional and Legislative Affairs Committee and the five “thematic” committees.

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 allows policy and legislative work to take place simultaneously.

Sub-committees and informal sub groups

Once a committee has been established, its members may decide to form smaller groups to undertake work that is the responsibility of that committee. A committee may decide to use Standing Order 17 to establish a sub-committee to carry out a task on their behalf, and report back to them (see Standing Orders). Sub-committees are formal groups that are regulated by Standing Orders in the same way as the committee that established them. When establishing a sub-committee, the committee must decide its membership, Chair, what task it is to do and how long it will exist for. As an alternative, members of a committee may decide that it would be beneficial to undertake a particular piece of work less formally. The committee can establish an informal group, using interested members of the committee, or even ask an individual member of the committee to carry out a piece of work. An informal group, sometimes called a rapporteur group, will involve members of more than one party group drawn from the committee membership, and usually members will volunteer to be part of it. The group will then undertake its work through meetings and visits. There are no transcripts of the meetings, but a note that captures key issues is usually produced so that the group can use the information when they are preparing a report. Once they have completed their work the group agree a draft report to submit to the committee.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions? In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

No comment.

Secretary General and Clerk of the Dáil



**Seirbhís Thithe
an Oireachtais**
Houses of the
Oireachtas Service

Office of Secretary General and Clerk of the Dáil

Leinster House

Kildare Street

26 March 2012

The Committee Clerk
Assembly and Executive Review Committee
Room 375
Parliament Buildings
Ballymiscaw
Belfast
BT4 3XX

Dear Clerk

I was written to on the 15th February last by the Chairperson Mr. Stephen Moutray MLA seeking views on the Review of Parts III and IV of the Northern Ireland Act in the context of reviewing the size of the Assembly and the number of NI departments.

As you will appreciate it would not be appropriate for me to give views on the policy implications of the questions outlined in the Call for Evidence pro forma, however, I have had prepared a factual description of the changes made here and the impact of downsizing, where feasible. These are similar to the issues raised which I hope you may find useful in your committee's deliberations.

Yours sincerely

Kieran Coughlan
Secretary General and Clerk of the Dáil

Membership of both Houses of the Oireachtas

1. Reduction of Dáil membership

At present the Constituency Boundary Commission has been re-established on the basis of the last census of population (2011).

The terms of reference of the Commission were recently amended by the Electoral (Amendment) Act 2011. The revised terms of reference provide that a Constituency Commission will now recommend Dáil constituencies based on a reduced number of TDs between a minimum of 153 and a maximum of 160. Previously, the range was 164 to 168. The number of members of Dáil Éireann recommended by a Commission will still be subject to the limits set out in the Constitution.

Please see attached estimate of cost of Dáil Member.

2. Abolition of Seanad Éireann

The programme for Government contains a proposal that a Referendum be held to abolish the second House of the Oireachtas and the referendum is likely to be held next year.

Direct costs of Seanad Éireann in terms of salaries, staff salaries, allowances, equipment = €9.2m. Indirect costs - €13.3 (2010 figure) this is the apportionment of all the support cost centres to the Seanad.

Total cost of running the Seanad = €22.5m

Please see attached estimate of cost of Senator.

3. Downsizing the number of Committees in 31st Dáil and the effects

Introduction

In the 31st Dáil there was a significant reduction in the number of Oireachtas Committees compared to the 30th Dáil. The measure formed a key part of the political reform proposals contained in the Programme for Government.

Committee Structure:

In the 30th Dáil there were 23 Committees. This was reduced to 14 Committees in the 31st Dáil – a 40% reduction. To achieve this reduction the functions of Committees were merged. Six of the seven sectoral Committees are covering the work of more than one Department.

Three of these Committees are shadowing the work of three Departments and three are shadowing the work of two Departments respectively.

Where a Committee shadows multiple Departments, Select Sub-Committees have been established for the purpose of considering the Bills and Estimates for each of the relevant Departments. This means two or three Select Sub-Committees have also been established for each sectoral Committee. The membership of these Select sub-Committees is a sub-set of the Deputies assigned to the 'main' sectoral Committee.

Size of Committees:

In the current Dáil, the average number of members per Committee has increased in comparison with the average number of Members per Committee in the 30th Dáil. The Committees covering the largest number of Departments have the largest number of Members. The Committees covering three Departments have 27 Members each, whereas the sectoral Committee covering one Department has 15 Members. Table E in the appendix lists the Membership numbers for each of the Committees of the 31st Dáil.

Consequences

Some of the consequences of the new structure for Committees are as follows:

- *Greater number of meetings:* While there are fewer Committees they are meeting more often. The activity levels, in terms of the number of meetings and the total meeting hours of the current Committees, are very similar to those of the 30th Dáil Committees. See Table C in the attached appendix.
- *Longer meetings:* The meetings are lasting longer because of the increased membership size. Private business is also taking more time because of the greater number of items to be dealt with as a consequence of the increased functions and wider remit of some of the Committees.
- *Low participation rates:* While approximately 67% of the total Membership are attending meetings only 50% of the total Membership are making speaking contributions.

- *Uneven focus of the work:* Where Committees are covering more than one Department they are finding it a big challenge to distribute their time evenly between their different areas of responsibility, meaning some areas of their remit are getting less attention than others. This also has an impact on the attendance of Members who may be less likely to attend meetings when the areas they are specifically interested in are not being covered by the Committee to any great extent.
- *Administration issues:* The administration of the Committees is more complicated. The larger Committees require more staff with a greater requirement by staff to keep each other informed and a greater amount of time required in coordinating and scheduling the Committee's workload.

Perspective of Members

There is anecdotal evidence, including contributions made at the Working Group of Committee Chairmen meetings, that there are weaknesses in the current. There is a much greater workload for Chairmen because of the wider remit and the greater frequency of meetings. With the wider remit, prioritising and scheduling of work can be difficult. Members have also expressed concerns that the meetings are too long and it is hard to get adequate speaking time to contribute effectively during a Committee meeting.

Proposal to address the situation

It is proposed to restructure a number of the larger Committees. The proposal is to increase the number of sectoral Committees from seven to nine. With one exception it is proposed that each Committee will track no more than two Departments and that membership of a Committee will be restricted a maximum of 21 Members. This should make the functioning and management of the larger Committees more effective for both the Members and the administrators.

APPENDIX: INFORMATION TABLES**Table A: Number of Committees Comparison between 30th & 31st Dáil**

30th Dáil	31st Dáil
12 Sectoral Committees	7 Sectoral Committees
7 Thematic Committees	3 Thematic Committees
2 Standing Committees (* there were 2 other standing committees in the 30 th Dáil which were not administered by the Committee secretariat but which transferred over for the 31 st Dáil)	4 Standing Committees
21 plus 2 not administered by the Secretariat	
23 TOTAL	16 TOTAL

Table B: Comparison between 30th & 31st Dáil Committee Configurations

Oireachtas Committees	
30th Dáil (2007 - 2011)	31st Dáil (2011 – to date)
Shadowing Departments	
Joint Committee on Agriculture, Fisheries and Food	Joint Committee on Communications, Natural Resources and Agriculture
Joint Committee on Arts, Sport, Tourism, Community, Rural and Gealtacht Affairs	Joint Committee on Environment, Transport, Culture and the Gaeltacht
Joint Committee on Communications, Energy and Natural Resources	Joint Committee on Finance, Public Expenditure and Reform
Joint Committee on Education and Science	Joint Committee on Health and Children
Joint Committee on Enterprise, Trade and Employment	Joint Committee on Justice, Defence and Equality

Joint Committee on the Environment, Heritage and Local Government	Joint Committee on Jobs, Social Protection and Education
Joint Committee on Finance and the Public Service	Joint Committee on Foreign Affairs and Trade
Joint Committee on Foreign Affairs	
Joint Committee on Health and Children	
Joint Committee on Justice, Equality, Defence and Women's Rights	
Joint Committee on Social and Family Affairs	
Joint Committee on Transport	
Thematic	
Joint Committee on Climate Change and Energy Security	Joint Committee on Implementation of the Good Friday Agreement
Joint Committee on the Constitutional Amendment on Children	Joint Committee on European Union Affairs
Joint Committee on Economic Regulatory Affairs	Joint Committee on Investigations, Oversight and Petitions
Joint Committee on the Constitution	
Joint Committee on European Affairs	
Joint Committee on the Implementation of the Good Friday Agreement	
Joint Committee on European Scrutiny	
Standing	
Committee of Public Accounts	Committee of Public Accounts
Committee on Members' Interests of Dáil	Committee on Members' Interests of Dáil Éireann

Éireann	
Joint Committee on Administration <i>not administered by the Secretariat</i>	Joint Committee on Administration
Committee on Members' Interests of Seanad Éireann - <i>not administered by the Secretariat</i>	Committee on Members' Interests of Seanad Éireann
Other Bodies	
British-Irish Parliamentary Assembly	British-Irish Parliamentary Assembly
North-South Parliamentary Forum	North-South Parliamentary Forum

Table C: Comparison between the total number of Meetings and total number of hours of meetings from July to December in 2008, 2009, 2010 & 2011

Dates	Total meetings	Total Hours
1 July 2008 to 31 December 2008	289	561.47
1 July 2009 to 31 December 2009	257	453.45
1 July 2010 to 31 December 2010	229	372.53
1 July 2011 to 31 December 2011	242	450.25

Table D: Attendance and speaking contribution percentages made at Joint Committee meetings (November 2011)

Average % Committee Members attending Joint meetings (Public & Private)	61%
% of Members attending who made a Speaking contribution	63%
Highest Attendance by Committee Members at an individual meeting	79%
Lowest Attendance by Committee Members at an individual meeting	44%

Table E: 31st Dáil Committee Membership numbers

Committee on Environment, Transport, Culture and the Gaeltacht	27
Committee on Finance, Public Expenditure and Reform	27
Committee on Jobs, Social Protection and Education	27
Committee on Health and Children	22
Committee on Communications, Natural Resources and Agriculture	21
Committee on the Implementation of the Good Friday Agreement	20
Committee on Investigations, Oversight and Petitions	20
Committee on Administration	20
Committee on Foreign Affairs and Trade	15
Committee on European Affairs	14
Committee on Justice, Defence and Equality	14
Committee of Public Accounts	13
Committee on Members Interests of Seanad Éireann	7
Committee on Members Interests of Dáil Éireann	5
	252

Cost of a Senator

Cost	Basis	Amount
Salary	One rate paid to all Senators	* €65,621 basic
Travel and Accommodation Allowance	Mid point of travel bands	€28,350
Public Representation Allowance	Fully vouched max	€15,000
Senator Staff Secretarial Assistant Mid point of scale at 50%	Mid point of the scale – point 7 (€34,733.62)	€17,366.81
Senator Secretarial Assistance Scheme Option	Vouched allowance	€20,546
Mobile Phone	€750 every 18 months	€500
Envelopes	750 per month at 54 cents	€4,860
Office Equipment	2 Suites and general office equipment.	€516
Printer cartridges (Other stationery not limited)	Maximum limit in full year	€1,300
Estimated total	Excluding ICT	€154,060

* With effect from 13 May 2009 in accordance with the Financial Emergency Measures in the Public Interest (No.2) Act 2009, the Long Service increments were no longer payable to Members who fell due to receive them. All Members at that time who were in receipt of the Long Service Increments retained them until the subsequent election in February 2011 and April 2011 respectively.

Cost of a TD

The cost of a TD has been estimated at **€260,797** based on expenditure in 2010. It is broken down as follows:

TD Costs

Direct	Subhead	Cost
Salary	3(a)	€95,589
Staff	4(a)	€80,000
PSA - TAA	5(a)	€33,536
PSA - PRA	6(a)	€25,700
Envelopes	6(a)	€8,100
Other Allowances	6(a)	2,500
Once off COG	6(a)	€8,000
Admin		€7,372

Total: €260,797

The costs are calculated as follows:

Salary

€92,672

€95,550

€98,424

Mid Point €95,589

Staff Costs

TD staff

1. 1 Secretarial Assistant (mid point on salary scale) - €33,500
2. 1 Parliamentary Assistant (mid point on salary scale) - €46,500

PSA – TAA and PRA

Parliamentary Standard Allowance

1. Travel & Accommodation (mid-point of bands) - €33,536
2. Public Representation Allowance (fully vouched max.) - €25,700

Envelopes

The envelopes formula is calculated as follows:

1250 envelopes allocated per TD x €0.54c per envelope x 12 months = €8,100

Allowances

- Mobile phone €750 in 18 months
- Printer Cartridges €2,000 per annum

Administration costs

The administration costs are made up of the follows:

Office Equipment	€892	Equals the annual depreciation charge on 2 x notebooks, a desktop, 3 x printers, scanner, fax, shredder.
Furniture	€904	The annual depreciation cost of a members desk, a conference table, 2 x cabinets, an assistant secretary workstation.
Utilities	€2,604	Total costs of Gas and Electricity for 2010 divided by number of people using the buildings multiplied by a TD plus staff.
ICT Support Contract	€2,972	Estimated costs of providing ICT managed service costs to one TD plus secretarial assistants in one year (based on new contract rates).
Total	€7,372	

Clerk to the States of Jersey

Section 1 Stakeholder Details			
Stakeholder Name	Telephone Number		
Michael de la Haye Greffier of the States of Jersey	01534 441013		
Stakeholder Address	Stakeholder Type (Include one or more X)		
	Registered Political Party		Local Government
	Academic		Government
	Legislature	X	Non-Government
	Other (Please Specify)/ Member of the Public		
Please provide some background information on your role as a stakeholder			
I am Greffier (Clerk) of the States of Jersey, the legislative assembly of the island of Jersey. I am not sure if it is strictly correct to define me as a 'stakeholder' but as I have been invited to comment I am doing so although as you will see from my replies I do not feel it would be appropriate for me to comment on many of the issues you raise.			
Guidelines for Completion of Submissions			
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma. Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means. Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>			
Section 4 Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider			
(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link			
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained. If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>			
I do not believe it would be appropriate for me to comment on this question.			
(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs			
<p>What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)? A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?</p> <p>Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?</p>			

I do not believe it would be appropriate for me to comment on this question.
(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.
<p>What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?</p> <p>Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?</p> <p>What factors should the Committee take into account when deciding on the size of the Assembly?</p>
<p>In relation to this section it may be appropriate for me to draw the Committee's attention to discussions and decisions that have taken place in Jersey in recent years that may be of relevance in your deliberations. These comments relate to Q4 below as well.</p> <p>Before 2005 Jersey was governed through a system of executive committees, each comprised of some 5 to 7 members of the States. Each committee had responsibility for a certain aspect of government (eg Education Committee, Health and Social Services Committee, Economic Development Committee, Finance and Economics Committee). All States members (with a few exceptions) served on one or more committees and could therefore be said to be involved in 'government' within the area of the committee(s) they served on. After a review of the effectiveness of government the island moved to a ministerial system in 2005 (with 10 Ministers forming a Council of Ministers) and a parallel system of parliamentary scrutiny committees and a PAC was established to hold Ministers to account.</p> <p>Because of concerns that Ministers would hold too much power and dominate the States Assembly itself, the legislation that established the new system provided that the aggregate number of Ministers and Assistant Ministers always had to be smaller (by a factor of at least 10% of the total membership) than the number of other members. At present, with an Assembly of 51, this means that there can be no more than 10 Ministers and 12 Assistant Ministers (total 22) with 29 members not involved in executive decision making and available to serve on scrutiny/PAC. This gives, effectively, a 'minority government' at all times and means that Ministers have to seek support for policies by consensus (Jersey has no tradition of political parties and all members serve as independents).</p> <p>There are currently moves to reduce the total membership from 51 and suggestions are being made that a membership of, perhaps, 42 or 44 would be more appropriate for an island of some 97,000 people. Nevertheless the reduction in membership is being considered in the context of ensuring that the necessary balance is maintained between Ministers and non-executive members and that there remain sufficient members to serve on scrutiny/PAC to ensure that the Council of Ministers does not become too dominant. This may be a relevant factor for you to consider in Northern Ireland.</p>
(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system
<p>Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.</p> <p>In particular, what changes would you propose to ensure a robust and effective committee system?</p>
As indicated in Q3 above I think you should simply take care to ensure that there are sufficient members available to serve on committees so that the committee system remains robust and effective.
(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained
<p>How many departments are required to effectively discharge the current range of devolved functions?</p> <p>In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?</p>
I do not think I can usefully comment on this matter.

Dr Yvonne Galligan

Section 1 Stakeholder Details				
Stakeholder Name		Telephone Number		
Professor Yvonne Galligan		02890 973654		
Stakeholder Address		Stakeholder Type (Include one or more X)		
Centre for Advancement of Women in Politics, School of Politics, International Studies and Philosophy Queen's University Belfast BT7 1NN		Registered Political Party		Local Government
		Academic	X	Government
		Legislature		Non-Government
		Other (Please Specify)/ Member of the Public		
Please provide some background information on your role as a stakeholder				
<p>(This box will expand as you type)</p> <p>I am Director of the Centre for Advancement of Women in Politics and specialise in the study of political institutions and democratic decision-making from a gender equality point of view. I have published widely on this subject, and have provided evidence and research expertise to a range of national and international bodies (including the European Commission and Council of Europe) on this matter. I am also professor of comparative politics at QUB and a member of the Commission of Inquiry into the Consequences of Devolution for the House of Commons.</p>				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma. Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means. Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>				
Section 4				
Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider				
(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link				
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>				

(This box will expand as you type)

The matter of decoupling does not raise particular difficulties from the point of view of ensuring gender equity in political representation. Indeed, there is a rationale for suggesting that decoupled constituency boundaries would allow for a more flexible response to representation based on population size fluctuations. Perhaps the key issue to consider here is whether future revisions to either the Assembly size or constituency size will be determined by further boundary adjustments or increases/reductions in constituency seats while keeping constituency boundaries intact.

Voters are already accustomed to determining their representatives based on a variety of constituency arrangements – local government (council boundaries are also changing), European constituency – in addition to the current Westminster/Assembly arrangements.

Having different Assembly constituencies to that of Westminster could act as a positive reinforcement of devolution among the public, and foster engagement with the Assembly to a greater extent than at present.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

(This box will expand as you type)

Reducing the number of MLAs, unlike the previous question, raises quite a number of concerns from a gender equity perspective. There is the strong possibility of women's representation being reduced with the reduction in MLA seats. Countering this potentially delegitimizing outcome as a result of seat-reduction is a matter for the political parties. However, it is important that the Committee is aware of this possibility, and its reinforcement of the democratic deficit that currently exists in representation.

The 1998 election resulted in 14 (13%) women taking seats in the Assembly. Following the 2011 election, this increased to 20 (19%). This falls short of the spirit, and intent, of the Belfast/Good Friday agreement stipulating that:

The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular....the right of women to full and equal political participation.

Although the composition of the Assembly is jointly decided by parties (through candidate selection) and voters, the outcome of an electoral process has direct bearing on the work of the Assembly in scrutinising the Executive, passing legislation, representing interests and generally contributing to public policy decisions that affect all living in Northern Ireland.

In 2011 the Interparliamentary Union in a report entitled *Gender Sensitive Parliaments: a Global Review of Good Practice* defined a "gender-sensitive" parliament as being:

founded on the principle of gender equality – that is, that both men and women have an equal right to participate in its structures and processes, without discrimination and without recrimination. A gender equality policy provides direction for the setting of priorities and strategic, well targeted interventions to achieve them (IPU 2011:6).

In this definition also, the concern for gender equity in numeric political representation is highlighted as a matter of good political practice. This equal opportunities principle was also behind the establishment of the Scottish Parliament and Welsh Assembly. In both cases, the proportional representation of women is higher than in the NIA: in 2011, female representation in the Scottish Parliament was 35%, and in the Welsh Assembly stood at 41%. It is clear that these elected bodies are more reflective of the composition of the general population than is the NI Assembly, and one could argue, more legitimate in its decision-making as a result.

It follows, then, that if the number of MLAs is reduced, the proportion of women elected to the Assembly is likely to be adversely affected. This has implications for policy discussion, agenda-setting in the Assembly, and more generally for 'fit for purpose' democratic decision-making.

The available evidence shows that in PR systems such as that under which the Assembly is elected, women's chances of being elected are improved in larger-seat constituencies than in small-seat ones. For that reason, I would advocate the retention of 6 seat constituencies, or a variation between 5-7 seat constituencies, but not lower than 5-seats. Concomitant to that point, I recently analysed the average vote-getting of women and men at the 2011 election and found that overall, the average female candidate attracted more votes than the average male candidate. Examining this rather startling finding along party lines showed it to remain consistent for the parties in the Executive, with the exception of the DUP as follows:

Party	Male Candidates average vote	Female Candidates average vote	Average vote Difference
Alliance	2197	2560	363
DUP	4664	4205	-459
SDLP	3205	4169	964
SF	4370	4681	311
UUOP	2953	3879	926
Average of all candidates (including independents and other party candidates)	3010	3452	442

Although these results require some additional statistical interrogation, the findings add to the point that a reduction in MLAs which resulted in a reduction in women's representation would not be viewed kindly by the voters.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

(This box will expand as you type)

These issues are closely related to those in the previous section. The work of legislators is, as pointed out in the briefing documentation, extensive and multi-faceted. There is a need to balance a numerical reduction with more efficient use of legislative time and process. In addition, the inclusivity requirement is also a gender-related one, especially in terms of the nature of the issues on the Assembly's agenda and the range of perspectives brought to bear on any one issue.

There is research to show that legislatures where women are present in respectable numbers have a wider policy range, and take multiple perspectives into account in addressing all policy matters. In the Scottish parliament, for instance, Fiona MacKay found that the significant presence of women MSPs in the first parliamentary period enabled both women and men MSPs to widen their parliamentary interests, with male MSPs supportive of gender equity issues, and female MSPs contributing their views on 'hard' policy areas. This plurality of perspectives contributes to better-informed legislation for two reasons: the impact on women and men, girls and boys, is taken into consideration; the standpoint of lived experience as women and men representatives – has the opportunity to shape policy decisions.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

<p>(This box will expand as you type)</p> <p>No specific proposals beyond encouraging consideration of a rationalisation of committees, scheduling and tasks.</p>
<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained</p>
<p>How many departments are required to effectively discharge the current range of devolved functions? In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?</p>
<p>(This box will expand as you type)</p> <p>As with the number of MLA's, the decision on how many Departments is enough to conduct Executive business is more of an art than a science. However, Departments should take the gender perspective on the policies under their aegis into account as an integral function of their work. At present, this is a rather hit-and-miss affair in Departments, with some more active than others. Yet the decisions taken in Departments, such as budgetary, and other resource allocations, can often have differential impacts on the lives of women and men, girls and boys. OFMDFM have an important co-ordinating role to play, and awareness-raising of making policy relevant to male and female interests.</p>
<p style="text-align: center;">Section 5 Additional Information</p>
<p>Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.</p>
<p>(This box will expand as you type)</p> <p>The gendered nature of politics and parliaments is a subject of extensive study, and I can provide a range of sources if this is required. As a starting point, the IPU study on gender-sensitive parliaments is a useful resource: it is available at http://www.ipu.org/pdf/publications/gsp11-e.pdf</p>

Dr Conan McKenna

Section 1 Stakeholder Details				
Stakeholder Name		Telephone Number		
Conan McKenna (Dr.)		+353 87 2443036		
Stakeholder Address		Stakeholder Type (Include one or more X)		
Houses of the Oireachtas Service Kildare House Kildare Street Dublin 2		Registered Political Party		Local Government
		Academic	x	Government
		Legislature		Non-Government
		Other (Please Specify)/ Member of the Public		
Please provide some background information on your role as a stakeholder				
<p>(This box will expand as you type)</p> <p>I am providing this material on a personal basis. I am a senior official of the administration of the Houses of the Oireachtas. I conducted a piece of research on the effectiveness of parliamentary committees for a thesis on the basis of which I was awarded a doctorate in governance by QUB in 2011. The research, supervised by Professor Rick Wilford of QUB, was based on a comparison of the effectiveness of committees across 5 parliaments/assemblies (one of which was the NIA). This was based on analysing the similarities and differences between parliamentary committee systems in the subject parliaments based on the year 2008 and I conducted a detailed analysis of the agendas and minutes of a sample of departmental oversight committees from each parliament/assembly, on the basis of which I reached certain conclusions. As part of the exercise, I also looked at the size of committee systems, memberships of committees and ratios between the number of committee places and plenary places. I provided a copy of my thesis to the NIA Library/research service and made a presentation on my findings to the staff of the NIA in May 2011.</p> <p>My comments are pertinent to issues (3) and (4) and are entered below under Section (3)</p>				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma. Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means. Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>				
<p>(1) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs</p>				
<p>What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?</p> <p>A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?</p> <p>Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?</p>				
(This box will expand as you type)				
<p>(2) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.</p>				

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

Comment on (3) and (4): At a purely technical level, NIA with 18 Committees in total in 2010 (my research) was lower than Houses of the Oireachtas and the UK HOC, the same number as New Zealand and considerably more than Scotland. Among the 5 parliaments/assemblies looked at, NIA had the highest number of committee memberships as a proportion of House members - i.e. in their case they had 1.67 times as many committee places as they had Members to fill them, the result being that they had the highest proportion of members (66% or two thirds of Members) on more than one committee and they had the second highest (next to Oireachtas) proportion (16% or one sixth) of members on more than two committees and the lowest proportion of members (15%) on no committees at all.

My research also showed that NIA committee attendance levels (for the sample of committees) were just below 76% with the average at 78%. This would suggest that, while members are spread thinly across committees, they nonetheless have good attendance rates against the average. The NIA committee system showed the highest number of total sitting hours. They also showed the highest number of agenda items discussed. If the number of times a piece of business comes back onto the agenda of a committee is a measure of the extent of its consideration by the committee, NIA committees considered financial items an average of 1.14 times (against overall average of 3.07 times); legislative items 5.43 times (against overall average of 4.79 times); policy/public affairs issues 1.67 times (against overall average of 3.17 times) and public body issues an average of 1.4 times (against overall average of 1.88 times). These statistics might suggest that there is an issue already with the burden of coverage by members in NIA of work of committees and that any reduction in the number of members in the House, without very significant accompanying reductions in the sizes of committees or the number of committees, would result in the Assembly committee system becoming less effective. The number of member places on the statutory committees is 11, which is already quite low in terms of allocating voting strengths etc (though Scottish Parliament equivalent committees have 8 members and many departmental oversight committees in New Zealand have 9 Members).

(3) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

(This box will expand as you type)

(4) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

(This box will expand as you type)

Section 5 Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

(This box will expand as you type)

Professor Rick Wilford - Queen's University Belfast

Section 1 Stakeholder Details				
Stakeholder Name		Telephone Number		
Professor Rick Wilford		02890 973652		
Stakeholder Address		Stakeholder Type (Include one or more X)		
School of Politics, International Studies & Philosophy QUB		Registered Political Party		Local Government
		Academic	X	Government
		Legislature		Non-Government
		Other (Please Specify)/ Member of the Public		
Please provide some background information on your role as a stakeholder				
<p>(This box will expand as you type)</p> <p>From 1999-2009, I was co-coordinator of the NI devolution monitoring research programme, administered under the aegis of the Constitution Unit, UCL where I was a senior Hon Fellow. I have published widely on NI politics/devolution and previously supplied evidence (oral and written) to the NIA's Procedure Committee on (a) the Assembly's inquiry into its committee system & structure and (b) its inquiry into Assembly questions. I also gave evidence to the Environment Committee re Dawn Purvis' PMB re 'double-jobbing'. Currently, I am Head of the School of Politics, International Studies and Philosophy at QUB.</p>				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma. Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means. Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>				
Section 4				
Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider				
<p>(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link</p>				
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>				

(This box will expand as you type)

Pro-decoupling:

- Co-terminosity has been abandoned recently in both Scotland and Wales, as the above notes indicate, so a change in NI's case might have the claimed virtue of policy convergence or, rather, signify a shared policy trajectory.
- The changes in Scotland and Wales have not occasioned a political crisis nor excited much in the way of public controversy/debate. It is parties, rather than the electorate, that appear most exercised by decoupling.
- Co-terminosity was not a feature of Westminster & Stormont seats from 1949 to 1972. I.e., there is historical precedent as well as a current territorial precedent, given the recent changes in Scotland & Wales..
- Voters in NI already cope/contend with different local government district & Westminster/NIA constituency boundaries (and that will continue) with no obvious difficulty. On that basis, an additional variation may be less problematic for voters than might be anticipated.
- Given that Westminster constituencies are now to be reviewed/revised after each UK general election, & perhaps revised quite significantly, this might be an argument for retaining stable NIA constituencies.
- Related to the above, if decoupled, the NIA boundaries would conceivably be more permanent than those for Westminster. Any variations in the electorate over time could perhaps be reflected by adjusting the number of seats in each constituency rather than redrawing the boundaries.
- More permanent boundaries could conceivably provide a more solid basis for citizen political engagement with MLAs and the Assembly itself – and the current level of (dis)engagement, especially with the latter, is a matter of some concern for all parties.
- It would encourage parties to develop/enhance their local organizational bases.
- De-coupling would attest to the growing political stability/maturity of the devolved institutions in NI and buttress the more general proposition that devolution, per se, makes a difference.

Anti-decoupling:

- Retaining the current linkage embodies the virtues of custom, practice and inertia (albeit that inertia is not necessarily a virtue).
- De-coupling may be perceived by some parties as 'weakening the Union' and be opposed on that (perhaps bogus) ground. Relatedly, this issue could thereby occasion divisiveness among parties.
- That decoupling would confuse voters because one could conceivably have a situation where MPs and MLAs of different parties and different constituencies would overlap.
- The political parties would have to contend with a somewhat complex, even messy, level of local organisation. Conceivably, an Assembly constituency could straddle those of two (perhaps more) MPs.
- As per the sixth bullet point under 'Pro-decoupling', it may entail variation in the numbers of MLAs returned by constituencies a radical departure from the status quo.

Decoupling was necessary in Scotland by virtue of the 2004 Act: retaining the statutory link would have reduced the SP to approx 109 MSPs, an outcome opposed by all parties, not least because it would have adversely affected the capacity of the Parliament's Committees. However, post-decoupling, local party organizations have found it difficult to cope with what they regard as its messiness. But inefficiency within party organizations is not in itself a sufficient justification for opposing the severing of the statutory link. It could, rather, be construed as a spur to reform within party organizations.

I'm somewhat conflicted by the issue: retaining the status quo may, on the face of it, seem to be the simplest position to adopt. It would tie the NIA into a known, though by no means uncontroversial process. However, the prospect of further changes in Westminster boundaries which will be reviewed/revised in the wake of future general elections may well give pause for thought. If there were to be further changes in NI (i.e. a reduction in the number of MPs/constituencies) the issue would recur. For that reason, politicians may be attracted by the demise of co-terminosity between Westminster and the NIA: it would, all other things being equal, lead to enhanced constituency stability. On balance, I'm generally disposed to de-coupling.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

(This box will expand as you type)

There are two inter-related issues here: the number of constituencies and the corresponding total number of MLAs. Both are potentially fluid, the former because of the new provision to review/revise boundaries in the wake of UK general elections if the statutory link is retained; the second because all parties favour a reduction in the total number of MLAs.

Assuming that de-coupling does occur, the parties can plan on the basis of a settled number of 16 constituencies for the foreseeable future. The issue then is, how many MLAs per constituency. There is no 'magic number', of course, as the parties' readiness to entertain a reduction signifies.

The work (NIAR 768-11) already undertaken by Research Services elaborates options/scenarios predicated on a 96 or 80 member NIA, with either eight or 12 departments, and with a reduction in the size of the (statutory) committees to either nine or seven members, and a corresponding potential reduction in the number of members required to ensure the committees are quorate.

Any reduction in the total number of MLAs will given the existing constraint that all Members (excepting the Speaker, Ministers and Junior Ministers) are offered a statutory committee place, currently combined with the 11-strong membership of all statutory committees place increased strain on committee effectiveness (and efficiency), all other things being equal. Moreover, the generous, formal remit of statutory committees always carried the potential to create overload on their members, especially where there was/is a behavioural disposition against the alleviation of the load through the routinized use of sub-committees and/or rapporteurs (saving the current experiment in ETIC).

Such structural/behavioural constraints, together with the requirement for each Dept to be mirrored by a statutory committee, has created the phenomenon of multiple committee memberships, in itself a potential hindrance to the maximization of committee effectiveness as is the relatively frequent turnover of committee memberships. And this should be the focus of the A&ERC's endeavours: how can the effectiveness of the statutory committees in particular be enhanced? (By contrast, the priority for Executives, including that in NI, is the efficiency with which their business is dealt with.)

Of course, the precise number of statutory committees is contingent on the agreed number of devolved Departments: and any agreed reconfiguration of the Executive has to be mindful of the shallower pool of MLAs that would be available to discharge committee business. But this is not just a 'numbers game', though the significance of numbers cannot be discounted, not least the Agreement's stipulation that all eligible members be offered a statutory committee place.

'Right sizing' the NIA is complex and a matter of political art rather than science: the concerns for equity/equality/inclusiveness weigh heavily in the calculation – it is not just an arithmetical question. And, lest it be forgot, parties have to be mindful of the performance/potential of their actual/prospective MLAs: i.e. there is a quality as well as a quantity issue – but that is a matter for the parties, not the NIA.

Returning to the issue of effectiveness: does the size of a statutory committee necessarily shape/influence its effectiveness – yes, up to a point: put another way, there is an irreducible minimum (as in part quorate rules demonstrate). In the SP the average size of the equivalent committees is eight, which seems about right especially since they enjoy very similar powers to those enjoyed by the NIA's statutory committees. In NI, reducing the norm to nine (from 11) would allow the total number of MLAs to fall to 80 (five per constituency) provided there was a reduction in the number of Departments to eight, given that the 'usual suspects' would be precluded from committee membership. Inter alia, this would alleviate the significant problem of multiple committee memberships that currently obtains and which does hamper committee/member effectiveness. On that speculative basis, I would favour five MLAs per constituency, even though this could exert a disparate impact on minor parties, given that the threshold for winning a seat would increase to 16.66% from a little over 14% as is currently the case. (Whilst reform of the electoral system is precluded from the Committee's terms of reference, the allocation to parties both of Departments and committee chairs/deputy chairs could be by means of the modified St Lague rather than the d'Hondt formula, which could cushion the impact on smaller parties of a reduction to five of the number of Assembly seats per constituency).

It would be superfluous to re-rehearse the information about numbers of MLAs/Departments supplied by RS: they can justifiably be taken for granted. A key strategic issue is one of process, it seems to me. That is to say, decisions about both the total number of MLAs and of Departments must be integrated between the NIA and the Executive: i.e. they should operate in tandem. It ought not to be the case that the NIA, via the A&ERC, trots dutifully in the wake of decisions taken primarily by party leaderships at the Executive table: the process of institutional reform should be a partnership, rather than a patron-client relationship between the NIA and Executive.

The NIA must start from the late Robin Cook's premiss: 'Good government needs good scrutiny'. And that means that the generality of MLAs and, more particularly, those in the A&ERC think and act first and foremost like parliamentarians: put another way, as committee creatures not party animals. As with the architectural precept, 'form should follow function' rather than precedent. Members need to reflect critically on how the functions they necessarily discharge are enabled/best served by the (institutional/procedural) forms they inhabit – and here, 'form' does include the size of the NIA.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

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The issues here follow closely on those in the preceding section. As noted, an Assembly of 80 MLAs, given a reduction in the number of Departments to eight and of statutory committee size to nine, would enable all MLAs (excepting the Speaker etc) to be offered a committee place. It would also restrict the current practice of multiple statutory committee memberships which can easily compromise/constrain the effectiveness and efficiency of Members. Moreover, parties should wherever possible ensure minimal change in committee membership turnover: rates of turnover not only influence the stability of committees, they can disrupt the pace of business and the aggregation of expertise that is a necessary ingredient of effectiveness.

An 80-member Assembly is perfectly capable of discharging both plenary and committee business provided the business timetable is crafted so that plenary sessions do not impact on committee sessions. Indeed, with fewer statutory committees the weekly timetable will be less cramped and Members would largely avoid the potential embarrassment of diary clashes because they would be anchored in a single committee rather than having to juggle competing committee demands. Such anchoring, coupled with limited turnover, will enable committees to better equip themselves with specialist knowledge that in itself would provide for more effective scrutiny – both in the committee rooms and the chamber. It would also enable Members to have more time to deal with constituency matters since they would be confronted with fewer, competing demands on their time.

Such competition would not entirely disappear: some Members would be required to ‘person’ the standing and occasional ad hoc committees, but overall they would have more time to discharge roles other than those associated with committees.

Perhaps the most obvious direct comparator legislature is the SP albeit that the recent changes in Wales put it on a nearer equal footing. In Scotland, smaller committees (average size is eight MSPs) discharge their roles without hampering the conduct of parliamentary business. However, there is no stipulation that all MSPs be offered a committee place so that there is more capacity available to deal with other matters while some MSPs are engaged in committee work. And there is no evidence to suggest that those MSPs who are not involved in committees consider themselves to be lesser parliamentarians as a result. That potential issue is, though, averted with an 80 member Assembly, an Executive comprising eight Depts (with a total of nine Ministers and two junior Ministers) and a maximum of nine members per statutory committee.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

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- Workload management: the generous remit of the statutory committees already places strain on them, especially those whose associated Depts are legislatively active. Getting an appropriate balance of legislative & other work would be helped by a more carefully phased programme of Executive legislation – i.e. the Executive needs to be fully mindful of an appropriate balance between its need for efficiency & the committees’ ability to carry out effective scrutiny. A heavy legislative load, especially towards the latter end of a mandate (as in the 2007-11 case), can hamper the scrutiny role. A more carefully planned and timed legislative programme would also enable Committees to undertake a greater volume of draft legislative scrutiny. Moreover, if the legislative programme is well-planned and clearly signalled in advance, committees would also be able to engage in post-legislative scrutiny. The Committee may wish to reflect too on how effectively committees scrutinize secondary legislation: there may be a case for establishing a subordinate legislation committee.
- Fewer committees would mean a potentially heavier workload given a presumed reconfiguration of, and reduction in, the number of Depts. To date committees have been generally reluctant to employ sub-committees as means of spreading the load – with potentially fewer committees, the case for a more routinized use of sub-committees is enhanced as is the use of the rapporteur device, e.g. for scoping planned inquiries.
- The outcome of any reduction in the number of Departments may also accelerate the need for more joint-committee meetings or, even, joint sub-committees: policy boundaries are never as neat as Departmental briefs might imply. Such joint meetings could aid efficiency and assist in consolidating the existence of a committee system. Statutory committees should not be overly turf-conscious – nor, indeed, should their associated Depts.

- Avoid, if at all possible, turnover in the membership of statutory committees so that they build a stable core of experience, knowledge and expertise over a mandate.
- Normally, Statutory Committee chairs should not be nominated to serve as members of other Statutory Committees.
- Place the Liaison Group on a statutory footing – the model of the Scottish Convenors Group (or the HoC Liaison Committee) serves as an example. Inter alia, it would issue an annual report (and an end of mandate legacy report) which reviews Committee performance and draws lessons, both positive and negative, for the NIA and the Executive in terms of Committee/Departmental relationships. Such a Committee (after the HoC model) could also have an annual session with the FM & dFM – for thoughts on the role of OFMdFM, see below Section 5.
- Committees need perhaps to be smarter in managing their agendas, especially re inquiry topics. Lengthy inquiries do have their place, but shorter, focused inquiries carry the potential to exert a more immediate impact (e.g. the recently published PfG delivery report). Relatedly, such an approach would facilitate speedier post-inquiry follow up by relevant committees, thereby enhancing potential effectiveness and helping to establish a partnership rather than patron-client relationship between Depts and statutory committees. Comparative research by Conan McKenna indicates that the NIA's committees have not been especially active in practising follow-up.
- The management of European business by the NIA has proved to be problematic, even unsatisfactory. Whilst the Assembly has set its face against a European Committee as such, a committee member might be tasked with the role of keeping abreast of EU legislation, to act in effect as an 'early warning system' for their respective committees. This would accord with the OFMdFM Committee's 2010 report on NI's European Engagement Strategy.
- While the primary and understandable focus of the A&ERC's inquiry is on statutory committees, Members may wish to give some thought to standing committees. There may be a case for merging some, e.g. Audit & PAC. There may also be a case for subsuming any prospective future A&ERC-like brief into the work of the Procedures Committee, which perhaps could also undertake the work of the Standards & Privileges Committee. Such pruning would help minimize diary clashes, help free up Members time – always a scarce resource – and release staff to assist other committees.
- Currently, committees are formally integrated into the plenary work of the Assembly – not least by taking the committee stage of all Bills and the tabling of inquiry reports. Such integration could be further developed by setting aside a number of committee days during each session when they could table motions on issues arising from their work. Some floor-time in the Assembly would be available (though not sufficient to accommodate all such proposed debates) given that fewer Depts means fewer Ministerial Question Times: indeed, such committee-led debates would ensure the presence of the relevant Minister in the chamber to reply to the tabled motions. Committee days could be slotted into plenary business during periods when there is relatively little by way of Executive business to deal with. Such provision would assist in anchoring committees even more firmly into the chamber.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions? In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

(This box will expand as you type)

There is again no 'magic number' that can be conjured-up out of the ether, though it is noticeable that 'eight' seems to be the number of Depts favoured by some parties, albeit that the Efficiency Review Panel is yet to report. (Detailed change will also be influenced by the revivification of the new 11-strong District Council model via the decentralization of certain functions to the new generation of DCs.)

There is no perfect model of Executive design, whether measured in terms of the number of Depts or the allocation of services/functions to them and, in the latter regard, idiosyncrasies in terms of their grouping are not uncommon. In New Zealand, for instance (which has a 121-member unicameral parliament), the Prime Minister also holds the tourism brief! The 121-member NZ Parliament (i.e. lying between the NIA and the SP in terms of its size) has 13 subject select committees (varying from seven to 12 members) and five specialist committees, the former focussed on their respective associated Depts – some span more than one Dept. One of its subject select committees, the Government Administration Committee, has an extensive and somewhat eccentric brief including cultural affairs, Pacific Island affairs, the PM and Cabinet, women's affairs and racing. I cite this example only to make the point that Executive design (and, consequentially, legislature design) is much more of an art than even an imperfect science.

Identifying the reasons for Exec reform/reconfiguration has generated an extensive literature but, as a general rule of thumb, they can be encapsulated under three broad headings: economy and efficiency; policy effectiveness; and political advantage. They don't necessarily sit comfortably together and may often conflict: in short, striking a balance among them is difficult. Equally, it is virtually impossible to divide up the work of any government in a way that avoids the overlap of its purposes. What matters is how those purposes, whether singular to a Dept or overlapping, are co-ordinated and by whom. (Pooled budgets are one device that can be employed to manage overlapping purposes.)

Here the process of reconfiguration is already underway, given the proposal by OFMdfM to dissolve DEL and reallocate its functions elsewhere. This decision, irrespective of its possible merits, seems at least ill-timed given the opportunity provided by the planned NI Bill to engage in a more systematic review of the shape and size of the Executive. It may also be ill-judged in that it implies a top-down, two-party approach rather than a cohesive, fully shared and integrated one. The risk of cherry-picking, as in the DEL case, is that it may hamper a whole-government approach to reform.

A&ERC & Ministers of course have to start from where we are in contemplating the reform of the Executive and that means briefly recounting the process that obtained in 1998 when the Departmental template was struck. From my own researches it is apparent that 'where we are' departmentally speaking was not (a) the result of a fully inclusive process & (b) that the allocation of functions was in large measure driven by officials.

Pre-Agreement, parties had given little if any thought to Executive design – let alone the idea that such a design should be modelled in part on the principle of 'joined-up' government that was very much the then fashion. Moreover, the suggestion in the 1998 Agreement that there could be up to ten Depts became the irreducible minimum, a view that was driven by political rather than administrative criteria: ie size mattered. The political context that obtained was much less stable than now, and design became largely a matter between the UUP and SDLP, the former chary about Strand Two, the latter taking a more expansive view of the north-south arrangements. What transpired was a sort of political bargain: the indicative list of N/S bodies became a prescriptive one, as did the 'up to ten' suggestion re Departments.

The outcome was an administrative hotch-potch, the major casualty of which was OFMdfM. I thought then, as now, that it should primarily be the strategic policy hub of the Executive, i.e. steering policy rather than rowing a (large) number of policy boats. However, it emerged from the process as a rather cluttered Department, laden with service delivery functions to the point where there was little opportunity space to engage in strategic thinking. It acquired a number of its functions simply because they were unwanted in what might be considered their more 'natural' homes. To sum up, the initial process of Executive design epitomised the practice of muddling through.

The (pre-emptive) decision to dissolve DEL does threaten to lead to a further bout of muddling through, constrained to some (perhaps considerable) extent by the inertia of established departmental commitments – the 'besetting sin of departmentalism' is a generic problem facing reformers. It also may be construed as betokening an incremental rather than a systematic approach to Executive design. Incrementalism does have its appeal, not least because it is risk-averse (a quality that appeals perhaps as much to officials as politicians) and is rather more sensitive to the political dimensions of policy-making than its intellectual aspects. But to opt for incrementalism is to miss an opportunity for a more fundamental approach.

Very broadly speaking there are then two ways of approaching the task of Executive re-design. The incremental, which in large measure would be governed by an initial agreement on the number of Depts – say eight – and then shuffling functions around in a way that seeks to secure a ‘better fit’ than currently exists. This would be less demanding of both parties and officials and is an innately conservative, safer approach. It prunes, rather than uproots, the Depts and may also commend itself to their respective policy communities within the wider society: in short, it would carry the virtue (if it is such) of minimizing disruption all round. There would be some disruption, no doubt, given that Ministers/Departments can be motivated by turf consciousness.

An alternative approach would require a more root-and-branch exercise. This would entail thinking about Departmental design in perhaps more thematic terms, as in both Wales and Scotland where design/re-design has been more considered. The key here, to my mind, is to start at ‘the top’ i.e. OFMdFM and revisit its *raison d’être*: what is it actually for?

As mentioned earlier, I envisage it as the strategic hub of the Executive and in that regard would hollow-out many of its current functions which were so ill-considered in 1998/99. I suspect this may be resisted in part on the ground that both current incumbents would be keen to retain a broad, joint portfolio not least because they would wish to be seen to be ‘doing things’ in public. Politically and electorally this is explicable: but a more strategic brief wouldn’t entail that they didn’t ‘do things’, but rather did fewer of them, leaving more opportunity to grapple with the machinery of government to ensure better service delivery across the Executive as a whole. It is less glamorous and affords fewer photo-opportunities, no doubt, but ensuring an effective and efficient machine is an essential ingredient of good government.

To leave OFMdFM largely intact would, I think, be a missed opportunity. If that was, however, one outcome of the A&ERC and Efficiency Review Panel’s (ERP) deliberations, it wouldn’t preclude a more thematic design for at least some of the remaining Depts with consequent thematic briefs for their respective statutory committees. (And this ought not to be a case of merely putting new thematic labels on old Depts). Yet, a more holistic approach whereby Depts are constructed to solve problems (easier said than done) rather than be simply clustered around functions and services is an option. Whilst organizing around functions and services is necessary, indeed inescapable, and provides solid vertical links between Depts and their agencies/client groups/service providers it does little to establish, promote and nurture horizontal links between/among Depts. A hollowed-out, strategic OFMdFM can be the catalyst for such links, not least by focussing on problem-solving rather than being overly cluttered with functions/services. (The introduction of Executive Programme Funds in the NIA’s first mandate was an attempt to force-feed horizontal co-operation between/among Departments but, in a very different political context, it foundered on the rocks of departmentalism and was formally abandoned by the post-2002 direct rule regime.)

At the risk of selling the pass, however, it might be argued that, regardless of the (in)elegance of the re-design of the Executive’s architecture, what matters is the ‘spirit of accommodation’ that animates its Ministers – and, indeed, that is equally the case with MLAs in general and committee members in particular. That is not something that can be engineered into institutional reform – it’s a behavioural rather than structural matter - albeit that a joined-up approach to the design of both a reduced NIA and Executive could help facilitate it. And ‘joined-upness’, that is between the Assembly (most immediately via the A&ERC) and the Executive (via the ERP) should be a feature of the current process. It ought not to be the case that as the Executive proposes the Assembly disposes: the latter, via the Committee, needs to cast itself in the guise of ‘critical friend/partner’ throughout the shared process even if it means upsetting the Whips!

Section 5

Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

(This box will expand as you type)

There is a significant academic literature on both executive and legislative design. Given the short notice, I have not provided it here but could supply something akin to a ‘reading list’ if required.

Conservative and Unionist Party NI

Section 1 Stakeholder Details				
Stakeholder Name		Telephone Number		
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84 High Street Bangor County Down BT20 5BA		Registered Political Party	X	Local Government
		Academic		Government
		Legislature		Non-Government
		Other (Please Specify)/ Member of the Public		
Please provide some background information on your role as a stakeholder				
(This box will expand as you type)				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma. Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of it Report or other means. Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>				

<p style="text-align: center;">Section 4</p> <p style="text-align: center;">Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider</p>
<p>(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link</p>
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>
<p>Past benefits of Coterminosity</p> <p>1.1 The equivalence between Westminster and Assembly constituencies has worked well during the first 14 years of devolution. That is, there have been few, if any, complaints about it. It is likely that the existence of coterminosity has probably had a number of benefits, including but not limited to:</p> <ul style="list-style-type: none"> • Greater knowledge by the public of the geography of the constituency in which they reside and its political demographics, which may promote enhanced political involvement and higher voter turnout. Through awareness comes the belief that one's political and community involvement will 'count'. • Reduced administration for political parties and their activists, who do not have to operate with different boundaries for Westminster and Assembly elections. Given the fact that local party branch boundaries would probably only have reflected one set of boundaries were coterminosity not to have existed, this is particularly important. • A stronger sense of community within the constituency. • Reduced administration costs, as separate sets of boundaries would require an additional round of work to prepare them, to consult on them and to implement them. <p>Current Debate</p> <p>1.2 The motivation to review coterminosity presumably emanates from the reduction in constituencies that will come about in 2013 as a result of the 2011 Act. In Wales, where the 2011 Act will have the greatest impact, through reducing the number of Westminster seats from 40 to 30, it has been decided to end coterminosity.</p> <p>1.3 However, there are two reasons why Wales's circumstances differ from those in Northern Ireland. Firstly, the change in the number of Westminster constituencies is very much larger, even when considered on a proportionate basis (a 25% reduction versus an 11% reduction). Secondly, the Additional Member Voting System employed for Welsh Assembly elections made it extremely difficult to retain coterminosity. It would probably have entailed either a consequential large reduction of 10 seats in the Welsh Assembly (which only has 60 members at the moment) or a compensating increase in the number of members elected by regional list. It was decided that neither of these were desirable and so coterminosity was ended. This is not the case under the STV system in Northern Ireland, as there is no distinction between constituency and list members, and, although coterminosity does imply a reduction in the number of MLAs, changing the number of MLAs elected per constituency can be used to effectively offset this, if desired. Thus, although the 2011 Act implies a reduction in MLAs from 108 to 96, if this was considered to result in too small an Assembly, the number of MLAs per constituency could be increased to seven (thus creating an Assembly of 112, close to the current numbers).</p> <p>Recommendation</p> <p>1.4 In consequence, given the transparent advantages of coterminosity listed above, the limited impact of the 2011 Act on constituency numbers (albeit not on constituency boundaries) and the ability of the STV system in any case to offset changes in the number of Westminster constituencies through changes in the number of MLAs, we conclude the coterminosity should be maintained.</p>

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

Consistency with Scotland and Wales

- 1.5 The Northern Ireland Assembly was given an anomalously large number of members when it came into being in 1998. Using the December 2010 electoral statistics that provide the basis for the boundary review under the 2011 Act, there are 38,372 electors per member of the Welsh Assembly, 30,893 electors per member of the Scottish Parliament, but only 11,131 electors per member of the Northern Ireland Assembly.^{1,2}
- 1.6 Were the Northern Ireland assembly to reflect the number of electors per representative seen in the other two devolved institutions, it would have only 31 (based on Wales) or 39 (based on Scotland) members. However, there are two reasons to believe that the assembly should not be reduced in size to these low numbers:
 - 1) The extent of devolved competencies. Presently, Northern Ireland has a greater number of devolved powers than either Scotland or Wales. Additional devolution over and above that of Scotland covers the areas of:
 - a. Social security;
 - b. Aspects of employment, transport and energy policy;
 - c. A small but important number of aspects of criminal law – most notably laws on abortion and gambling; and
 - d. Reserved matters in Schedule 3 of the Northern Ireland Act 1998, on which the Assembly may legislate if approved by the Secretary of State.
 - 2) The need for an assembly to provide ministers and sufficient numbers of backbenchers to both represent all segments of society and provide sufficient scrutiny of executive activities and new legislation.
- 1.7 If we can determine, the numerical impact of these two points, we can determine the approximate optimal Assembly size.

Recommendation

- 1.8 Therefore, we favour moving toward a four-member per constituency model, which, if there were 16 parliamentary constituencies, would mean an assembly of 64 MLAs. This option has the advantage that, if the current boundary review for any reason does not meet with the approval of Parliament and 18 constituencies remain in Northern Ireland at the next Westminster election, there will still be a considerable reduction in Assembly size to 72 MLAs, which falls comfortably within the 57 to 80 range suggested by the analogues (see 1.12). Our suggestion is that the Assembly moves towards a 64 seat model over 3 elections, in order to enable MLAs to grow accustomed to the arrangement and to test the effects of a smaller number of representatives. I.e. 2015 96 MLAs. 2019 80 MLAs. 2023 64 MLAs.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

Determination of the approximate optimal Assembly size

1.9 In respect of point 1.6 (1), the aspects of additional devolution possessed constitute important public policy areas, but still only a portion of Stormont's total devolved competencies. Though it is difficult to quantify their relative importance, they probably account for no more than a third of total devolved powers – and possibly quite a lot less. Thus, the optimum should be a larger Assembly than one derived from an examination of electoral statistics and the relative sizes of the Scottish Parliament and Welsh Assembly, but not a lot larger – perhaps one with 50 to 55 members approximately.

1.10 In respect of point 2, the key question is what size of devolved legislature is needed to fulfil these roles. Here, the best guide probably comes from an examination of the sizes of devolved legislatures in the UK and other countries – looking particularly at regions with a similar population to Northern Ireland.

- In Spain, the Basque Country has a slightly larger population (2.1 million) than Northern Ireland and has a devolved legislature of 75 members⁴. However, it should be noted that the Basque Country has additional powers in the form of fiscal autonomy. Aragon is another region of Spain, with a similarly strong sense of historical identity, but a smaller population (1.3 million) and a somewhat lesser form of autonomy. It has an assembly of 67 members.⁵
- In Italy, Sardinia has a very similar population to that of Northern Ireland (1.7 million) and a regional council of 80 members.⁶ However, it also possesses considerable fiscal autonomy within Italy. Friuli-Venezia Giulia likewise has devolved legislative and fiscal powers, a population slightly less than that of Northern Ireland (1.2 million) and a regional council of 59 representatives.⁷
- In Canada, the region of Manitoba is the closest to Northern Ireland in terms of population (1.2 million people) and has a devolved legislature of 57 members.⁸ Neighbouring Saskatchewan, with a slightly smaller population (1.0 million), has an assembly of 58 members.⁹
- In Australia, the region closest in population size to Northern Ireland is South Australia (1.6 million) and has a Parliament with two houses – one of 47 members and another of 22, making for a total of 69.¹⁰
- Back in the UK and, as previously noted, the Welsh Assembly operates well with 60 members.
- Lastly, of course, it should be noted that the old Northern Ireland Parliament, which operated from 1921 to 1972, had a total of 78 members (across two chambers).

1.11 We also considered the case of state legislatures in the United States, but the dominant two party system there together with the fact that many state legislatures are part time (especially the ones with smaller populations similar to that of Northern Ireland) make it inappropriate for an analogue.¹¹

1.12 From all of the above relevant analogues, therefore, it appears that the minimum efficient Assembly size is in the region of 55 to 60 members, with an absolute range for the appropriate size of 57 to 80 members. What is clear is that both the current Assembly of 108 members and the reduced Assembly of 96 members that will result from the application of the 2011 Act will be well above the suggested range and well in excess of any of our analogues.

1.13 Given our wish to retain coterminosity, the requirement to retain the STV system and assuming that the reduction in constituencies in the 2011 Act comes into being, our analogues thus suggest two options:

- A four member per constituency assembly of $16 \times 4 = 64$ members
- five member per constituency assembly of $16 \times 5 = 80$ members

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

Impact on political representation and committees

1.14 Final consideration of the choice between the two options should examine whether representation of the various political parties and independents and the Stormont Committee system would be harmed by choosing a four member per constituency, rather than a five member per constituency, model. A four member model, of course, starts out with advantages in terms of cost and the fact that it produces an Assembly closer in size to the middle of our suggested range.

1.15 Analysis of the most recent election results in 2011 shows that all five of the larger political parties in Northern Ireland would have continued to be represented if constituencies had only four members each.¹² Beyond these parties, Mr Jim Allister of the TUV and Mr Steven Agnew of the Green Party both only won the sixth seat in their respective constituencies. Therefore, they would not have been elected in either a four member or five member per constituency assembly. The only likely difference in the 2011 results, then, would have been that Independent MLA Mr David McClarty would not have been elected under the four-member model, but may have retained his seat with five members.^{13,14}

1.16 In consequence, there is not a particularly strong argument for selecting an Assembly of 80 members over one of 64 members, whilst there is a very clear additional cost. The main argument that others will probably use for doing so is likely to refer to the analogue of the old Northern Ireland Parliament with its 78 members. However, it must be borne in mind that those 78 members were needed to populate a bicameral system. Under a unicameral system, it seems reasonable that the numbers required should be at least slightly less. In consequence, 64 is consistent with that parallel.

In terms of Assembly committees, there are presently 19 of these in existence.¹⁵ However, this is not a lot more than the Welsh Assembly, which has between 12 and 18 depending on whether Committee sub-groups are included.¹⁶ Presumably the latter groups should count for at least half a committee and therefore we may say that there are approximately 15 committees in the 60-member Welsh Assembly. On this basis, a 64-member Northern Ireland Assembly should be able to accommodate 16 committees. When our recommendations on the number of departments (below Section 2) are incorporated here, two committees will cease to exist by default. In addition, there are opportunities for committee rationalisation. For example, a separate committee is not necessarily needed for each minister or government department – there is an ‘Education and Culture Committee’ in the Scottish Parliament.¹⁷ Consequently, we see no major difficulties in adapting the committee system to the smaller assembly

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?
In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

2: Number of Departments and their responsibilities

2.1 We now turn to examine the correct number of government departments, bearing in mind the scope of existing devolved competencies and the need for departments to have a coherent set of responsibilities.

Comparison with Scotland and Wales

2.2 Perhaps the most obvious starting point for this exercise would be to consider departmental structures that exist under devolution in Scotland and Wales. However, this approach immediately runs into a problem in that there is no coterminosity between ministers and departments in Scotland and Wales. Departments, called Directorates, are organised on a cross-cutting basis vis-à-vis ministers.

2.3 Such a structure may be one that Northern Ireland could adopt at some point in the future, but it would be an inappropriate structure for a multi-party, mandatory coalition government. In the present context, it has the potential to blur lines of responsibilities, create turf wars between ministers of rival parties who have valid claims on the same department and cause much chaos in the reorganisation period. Therefore, although we allude to Scotland and Wales in this section, we do not – and really cannot – use their departmental structures as a basis for Northern Ireland.

Comparison with the UK Government

2.4 An alternative and perhaps more valid approach is to look at which Westminster government departments contain functions that are significantly or mostly devolved to Northern Ireland. Then, to the extent that a given devolved department does not exist at national level, there may be cause for considering rationalisation locally. We identify the following UK Government departments as containing said functions and we map them to their corresponding devolved department(s) as shown¹⁹:

- HM Treasury – Finance & Personnel
- Home Department – Justice
- Department of Justice – Justice
- Department of Work and Pensions – Social Development
- Department of Health – Health, Social Services & Public Safety
- Department of Culture, Olympics, Media and Sport – Culture, Arts & Leisure
- Department of Education – Education / Employment & Learning
- Department of Transport – Regional Development / Environment
- Department of Communities and Local Government – Environment
- Department of Environment, Food and Rural Affairs – Environment / Agriculture & Rural Development
- Department of Business, Innovation and Skills – Enterprise, Trade & Investment / Employment & Learning

‘Matching’ departments

- 2.5 There are, therefore, four local departments that are quite similar in roles and responsibilities, if not in titles, to departments in Whitehall. These departments with a good match are:
- Department of Finance & Personnel
 - Department of Social Development
 - Department of Health, Social Services & Public Safety
 - Department of Culture, Arts & Leisure
- 2.6 As well as existing in their own right nationally, each of these has a clearly distinct and recognisable area of devolved responsibility. Therefore, we believe that they should be maintained as distinct departments in Northern Ireland.

Justice department

- 2.7 Justice is unique in being a local department that covers responsibilities held by two departments at Westminster. There was much debate as to whether its powers should be split across two departments. However, the arrangements for the devolved administration of justice competencies involved such long and laborious negotiations that there is probably limited enthusiasm to revisit this issue.
- 2.8 We agree and believe that this review will be aided by keeping the Justice arrangements as they are for the time being, so that the reorganisation of other departments can receive maximum focus.

Proposed abolition of the Department of Employment and Learning

- 2.9 The departments of Enterprise, Trade & Investment, Education and Employment & Learning seem to offer a clear case where three local departments covering the same policy areas as two British Government departments. Additionally, the Department of Employment & Learning does not have a parallel at UK level or in Scotland or Wales. It has already been identified for abolition, with the relevant functions of employment and learning proposed to transfer to the departments of Enterprise and Education respectively. We agree with the decision to abolish, as it brings Northern Ireland into line with the UK Government and the other devolved administrations, which also do not have such a department and allocate the functions among others.
- 2.10 In terms of how to split the functions of the Department of Employment & Learning, all functions except further and higher education should, we consider, transfer to the Enterprise department as they concern employment and training. There are, however, differing governance models for further and higher education. In Scotland and Wales (and indeed in the Republic of Ireland), these fall under the remit of the local education minister. At Westminster, however, they are administered by the Department for Business, Innovation and Skills. We believe that the Executive should consult with these governments and possibly other relevant stakeholders to determine the best model for Northern Ireland.
- 2.11 Additionally, it would appear to be logical for the tourism functions (responsibility for Tourism Ireland and the NI Tourist Board) that currently reside with the Department of Enterprise, Trade & Investment to be transferred to the Department of Culture, Arts & Leisure. It is enough for the Enterprise Minister to be concerned about promoting business, investment and employment without having to worry about attracting tourists as well, especially as the management of many tourist attractions already falls under the Department of Culture. Given the emphasis that politicians of all parties in Northern Ireland are currently placing on the need to re-balance the economy, promote business within the province and attract investment from without, we believe that the relevant minister should have as much focus on these responsibilities as possible.

Remaining three departments

- 2.12 Regional Development (though perhaps the title of ‘Transport’ would most meaningfully sum up its functions to members of the general public) is a clearly distinct area of competency. As noted above, transport is one of the areas where Northern Ireland possesses additional devolution compared to Scotland and Wales. Therefore, we believe that it should be maintained as a stand-alone department. Of note, however, is that not all transport functions fall under the Department of Regional Development. Driver and vehicle testing and licensing, road safety and transport licensing and enforcement are currently handled by the Department of the Environment.
- 2.13 A Department of Agriculture & Rural Development does not exist at UK level or in Scotland or Wales, in spite of these issues being largely devolved as in Northern Ireland. Instead, these responsibilities fall under the respective environment departments. In Northern Ireland, the responsibilities of the two departments are already quite close. For example, the Department of the Environment is responsible for protection of the countryside and wildlife, whilst the Department of Agriculture & Rural Development handles forestry and rural development. When we couple these observations with the fact that the Department of the Environment handles many transport issues that could feasibly sit with the department of Regional Development, as noted above, the opportunity to rationalise becomes obvious.
- 2.14 We recommend that the transport functions of the Department of the Environment be transferred to the Department of Regional Development (possibly renaming this as the Department of Transport to assist public recognition – if the cost of doing so were not prohibitive). The other functions of the Department of the Environment can be amalgamated with the Department of Agriculture to make a new Department, which may be named the Department of Environment & Rural Development or Department of Agriculture & Environment, or simply retain the title Department of Environment if preferred.
- 2.15 Such a move would be consistent with changes in Whitehall. There was, until 2002, a separate agriculture department in the British Government, but this was amalgamated with the Environment department and there are few demands now for a return to the old structure.

Summary

- 2.16 Pulling together our recommendations for all departments, then, we propose the following:
- 2.17 Keep the following departments exactly as they are at present:
- Department of Finance & Personnel
 - Department of Social Development
 - Department of Health, Social Services & Public Safety
 - Department of Justice

2.18 Keep the following departments but change their function and (possibly) title as follows:

- Department of Enterprise, Trade & Investment: Gains all functions – except further and higher education – of the Department of Employment and Learning, *subject to consultation – may gain further and higher education responsibilities as well*, loses responsibility for Tourism Ireland and the NI Tourist Board to the Department of Culture, Arts & Leisure.
- Department of Education: *Subject to consultation – may gain further and higher education functions from the Department of Employment and Learning.*
- Department of Culture, Arts & Leisure: Gains responsibility for Tourism Ireland and the NI Tourist Board from the Department of Enterprise, Trade & Investment.
- Department of Regional Development (or Transport): Gains driver and vehicle testing and licensing, road safety and transport licensing and enforcement functions from the Department of the Environment.
- Department of the Environment (or Environment and Rural Development): Gains all functions of the Department of Agriculture and Rural Development, loses driver and vehicle testing and licensing, road safety and transport licensing and enforcement functions to the Department of Regional Development.

2.19 And the following departments cease to exist, having had their functions transferred elsewhere:

- Department of Employment and Learning
- Department of Agriculture and Rural Development

2.20 We therefore recommend a 9 department model (10 with OFMDFM), rather than 11 (12 with OFMDFM) as at the present time. This model is entirely consistent with those UK Government departments which are, to at least some degree, devolved.

2.21 In terms of total number of ministers, Northern Ireland would have 11 ministers plus two junior ministers, which compares to 9 ministers and 11 junior ministers in Scotland and 8 ministers and 3 junior ministers in Wales. This seems reasonable.

Section 5 Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

3: Conclusions

3.1 In summary, our recommendations are as follows:

- Retain coterminosity between Assembly and Westminster constituencies
- Reduce the size of the Assembly from six-members per constituency to four-members per constituency. With the advent of the new Parliamentary boundaries next year, this will create an Assembly of 64 members from 2023.
- Reduce the number of departments from 11 to 9, with these 9 being constituted as follows:
 - Department of Finance & Personnel: No change from present
 - Department of Social Development: No change from present
 - Department of Health, Social Services & Public Safety: No change from present
 - Department of Justice: No change from present
 - Department of Enterprise, Trade & Investment: Gains all functions – except further and higher education – of the Department of Employment and Learning, *subject to consultation may gain further and higher education responsibilities as well*, loses responsibility for Tourism Ireland and the NI Tourist Board to the Department of Culture, Arts & Leisure.
 - Department of Education: *Subject to consultation, may gain further and higher education functions from the Department of Employment and Learning.*
 - Department of Culture, Arts & Leisure: Gains responsibility for Tourism Ireland and the NI Tourist Board from the Department of Enterprise, Trade & Investment.
 - Department of Regional Development (or Transport): Gains driver and vehicle testing and licensing, road safety and transport licensing and enforcement functions from the Department of the Environment.
 - Department of the Environment (or Environment and Rural Development): Gains all functions of the Department of Agriculture and Rural Development, loses driver and vehicle testing and licensing, road safety and transport licensing and enforcement functions to the Department of Regional Development.

(Footnotes)

- 1 These numbers use local government electoral statistics, which is the relevant electoral roll for elections to the devolved legislatures.
- 2 <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcn%3A77-210887>
- 3 From examination of the Northern Ireland Act 1998, the Scotland Act 1998 and the Government of Wales Acts 1998 and 2006.
- 4 http://www.parlamento.euskadi.net/c_comorga_gru_ACT.html
- 5 http://www.cortesaragon.es/Grupos_parlamentarios.70.0.html?&L=evawbsra
- 6 <http://consiglio.regione.sardegna.it/XIVLegislatura/consig00.asp>
- 7 <http://www.consiglio.regione.fvg.it/pagine/legislatura/consiglieri.asp?sectionId=271&subSectionId=273>
- 8 <http://www.gov.mb.ca/legislature/members/constituency.html>
- 9 <http://www.legassembly.sk.ca/mlas/>
- 10 <http://www.parliament.sa.gov.au/Members/Pages/List%20of%20All%20Members.aspx>

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- 11 <http://www.ncsl.org/legislatures-elections/legislatures/full-and-part-time-legislatures.aspx>
 - 12 The projection here can never be quite exact as, whilst it is possible to say what the 2011 results would have meant for a four member per constituency Assembly, it is not possible to factor in the impact of the reduction from 18 to 16 constituencies – but it is clear that such an Assembly would have included all five larger parties.
 - 13 This point depends on how Mr McClarty's vote may have been affected by the new constituency boundaries. It is therefore only possible – but not certain – that he would have retained his seat with a five member model.
 - 14 Commentary in this paragraph based on <http://www.eoni.org.uk/index/elections/elections-2011-results-and-statistics/ni-assembly-election-2011-results-by-stage.htm>
 - 15 <http://www.niassembly.gov.uk/Assembly-Business/Committees/>
 - 16 <http://www.senedd.assemblywales.org/mgListCommittees.aspx?bcr=1>
 - 17 <http://www.scottish.parliament.uk/parliamentarybusiness/Committees.aspx>
 - 18 Details at: <http://www.scotland.gov.uk/About/14944/Scottish-Cabinet>, <http://www.scotland.gov.uk/About/Directorates>, <http://wales.gov.uk/about/cabinet/cabinetm/?lang=en>, <http://wales.gov.uk/about/civilservice/directorates/?lang=en>
 - 19 Full list at: <http://www.parliament.uk/mps-lords-and-offices/government-and-opposition1/her-majestys-government/>

Procapitalism

Section 1									
<u>Stakeholder Details</u>									
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Procapitalism 43 Millar Street Belfast County Antrim BT6 8JZ Northern Ireland (UK).		Registered Political Party	X						
		Academic							
		Legislature							
		Other (Please Specify)/ Member of the Public							
<table border="1"> <tr> <td>Local Government</td> <td></td> </tr> <tr> <td>Government</td> <td></td> </tr> <tr> <td>Non-Government</td> <td></td> </tr> </table>				Local Government		Government		Non-Government	
Local Government									
Government									
Non-Government									
Please provide some background information on your role as a stakeholder (This box will expand as you type)									
<p>Pary leader, tax payer and voter.</p>									
Guidelines for Completion of Submissions									
<p>The Committee would ask that stakeholders submit <u>electronic</u> responses using this pro forma.</p> <p>Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.</p> <p>Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>									

Section 4
<u>Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider</u>
(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>
<p>(This box will expand as you type)</p> <p>The advantage would be that the local Assembly would have autonomy over the choice of the number of constituencies.</p> <p>The disadvantage would be that the Assembly would be inclined to propagate for a maximum number of constituencies. Especially if, like in Gaza Strip, with a beaureaucracy 2-3 times that which oversees the EU's Brussels, is paid for by external sources. Sources that--as a matter of foreign policy--may not have good intentions towards the UK and are keen to promote the democracy of one-man-one-vote-once, like that which now pertains to the former Rhodesia, so as to underpin their domestic politics. South America via the Republican and Nationalist front. The CCP via Alliance. Alarmist, I grant you. Yet not improbable.</p> <p>It should also be considered that experience of locally accountable democracy, in lieu of the bomb and the bullet, is coloured by the fact that this is still a novelty for Northern Ireland. And although less may be more, it may be posited that the overabundance of MLAs/elected representatives, in comparison to the more democratically sophisticated mainland UK, motivates those who would otherwise not be involved in the Assembly and its off-shoots, to be more agreeable stakeholders. This could be considered a line of blood money, tending towards fascism. But it is less distressing and expensive, in both blood and treasure, than the possible alternatives. A compromise that may have to be tolerated, until a new generation comes to the fore.</p>

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

(This box will expand as you type)

All things being 21st-century-equal. And for a population of under 2-million. It would be reasonable to speculate that the Assembly would be sufficiently representative and functional, with no more than 60 MLAs. Thus, 15 constituencies with 4 representatives.

The implications would be that the Assembly would cost less. And intellectual resources, so badly needed in the private sector, would not be misallocated to the Assembly.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

(This box will expand as you type)

With the trend internationally towards ever bigger government, it is not possible to offer any example that would act as a useful paradigm. Again, the Assembly is--as is the nation state and its territorial ambitions, to mitigate the moral hazard of the nation state (Hans Herman Hoppe: Democracy- The God that Failed)--doomed to always provoke for more, not less. So this will be a serious challenge for the Assembly.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

(This box will expand as you type)

The false premise is that the 'committee system' serves any utility beyond being effective as the means via which (as per Sec 4 (1), an over abundance of MLAs is kept occupied, and therefore, less available to cause trouble elsewhere. Distressing to the more rational/reasonable amongst us, as this may be.

However, on a more practical level, a plethora of committees--which is not exclusive to Stormont*--creates the situation where the Assembly is in conflict and/or competition, with other tiers of the civil administration. As was demonstrated by the response over the 2010-2011 water emergency, due to the weather and burst pipes. Exacerbated by political opportunism and passing the buck. And egged on by an incitement of the public, in order to entrench the idea that government is fundamentally essential, and the only alternative, by way of its monopoly position, to circumvent personal responsibility. In this instance: Put a few gallons of water away, for emergency use. And thus, we get to, in effect, get to pay for the same horse, many times.

* I often am led to cynically conclude, that the Westminster Parliamentary Committees, are seldom for any other purpose, than to be a alternative for MPs to receive money that would otherwise be received through corruption. In other words: This is how we do corruption, and convince the public that it is essential work, to make democracy more transparent.



Signature
Not Verified

Samuel Charles Smyth
SC Smyth

Digitally signed by
Charles Smyth
DN: cn=Charles
Smyth,
o=Procapitalism.co
m, c=GB
Date: 2012.03.05
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(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

(This box will expand as you type)

I would suggest that the departments should not exceed the number already in play. Some could be easily enough eliminated, and others integrated. However, the peculiarities of Northern Ireland (as mentioned in sect 4, page 1) along with the base cost of any Assembly, provides hands-on-experience and a necessary distraction/diversion, until such times as the majority of the demos becomes more responsible/sophisticated.

Section 5

Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

(This box will expand as you type)

The priority of the Assembly must be to create an environment with a minimum of populist regulation that too often borders on the downright cynical, corruption, violence and crime. If this is not made the first priority, Northern Ireland--like its ROI counterpart, and arguably failed state--cannot hope to make any progress.

A demos overwhelmingly comprised of the least able, yet most demanding of government, with menaces that are tolerated and transformed and propagated as legitimate grievances, masquerading as inclusiveness/equality, etc., is a hopeless enterprise. Just like the one in Greece, which does not have London to bail it out.

Northern Ireland Local Government Association (NILGA)

Section 1 Stakeholder Details				
Stakeholder Name		Telephone Number		
NILGA		(028) 90798972		
Stakeholder Address		Stakeholder Type (Include one or more X)		
Unit 5B, Castlereagh Business Park 478 Castlereagh Road Belfast		Registered Political Party		Local Government X
		Academic		Government
		Legislature		Non-Government
		Other (Please Specify)/ Member of the Public		
		Local Government Association		
Please provide some background information on your role as a stakeholder				
<p>NILGA, the Northern Ireland Local Government Association, is the representative body for district councils in Northern Ireland. NILGA represents and promotes the interests of the 26 local authorities, has full membership from all Councils, and is also supported by all the main political parties.</p> <p>NILGA's role has developed over the last ten years, with modernisation and improvement work complementing the advocacy programme (local government obtaining recognition and resources to fulfil its role in a contemporary, peaceful and dynamic Northern Ireland) and engagement / event projects such as the annual Conference for members / officers. In the context of NILGA's robust and constructive work in relation to the Review of Public Administration – both previously and now - we trust that our knowledge and experience of reform will prove useful to the Committee in its deliberations.</p> <p>The Assembly's Committee is asked to note that this interim evidence presented by NILGA is not as yet corporately approved. As a partner in government and upon request NILGA is, however, pleased to offer the material provided to instigate what is hoped will be fuller and mutually beneficial engagement between it, the Committee and the NI Assembly.</p>				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma. Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means. Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation. a</p>				
Section 4				
Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider				
(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link				
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>				

NILGA is of the view that, whatever the final decision, it must be easily understood by, and well communicated to, the public.

The current co-terminosity with Westminster boundaries is clear and easy to understand. An additional system of boundaries specific to the Assembly would add a layer of complexity to existing arrangements.

Continued alignment with the Westminster boundaries will have the effect of reducing the number of MLAs, which may find some public support, but could also impact negatively on the involvement of smaller parties in the Assembly's mechanisms.

A potential alternative solution would be to align with the post-reform council boundaries, and allocate an appropriate number of MLAs in each of the 11 new areas. This would also enable a dynamic relationship between the two tiers of elected members.

On the basis of representativeness alone, there is a marked contrast between devolved government representation in Northern Ireland compared with the other devolved regions in the UK.

	Population (30 June 2010)	Number of devolved government representatives	No of devolved govt reps per head of popn
Scotland	5,222,100	129	40481
Wales	3,006,400	60	50107
Northern Ireland	1,799,000	108	16657

Regional government in the South of Ireland is organised on a different basis, for example, the 8 Regional Authorities, established in 1994, to promote the co-ordination of public service provision and to monitor the delivery of EU Structural Fund assistance in the regions, draw members from groups of county councils. The members of the Regional Authorities are not directly elected, but nominated from among the elected members of the local authorities in the region. Each local authority has a certain number of seats on a Regional Authority, based loosely on the population of the local authority area. The size of the Regional Authorities varies from 22 members in the Mid-East region to 38 members in the Border region, with an average of 17,888 people per member.

Authority	Population	No. of members	People per member
Dublin Regional Authority	1,180,000 (2006)	30	1: 38333
Border Regional Authority	432,500 (2002)	38	1: 11381
Mid East Regional Authority	412,650	22	1: 18757
Mid West Regional Authority	339,591 (2002)	26	1: 13061
South East Regional Authority	460,838 (2006)	36	1: 12801
South West Regional Authority	621,130 (2007)	24	1: 25880
Midlands Regional Authority	251,664 (2006)	24	1: 10486
West Regional Authority	380,057	28	1: 13573
Total	4,078,430	228	1: 17888 average

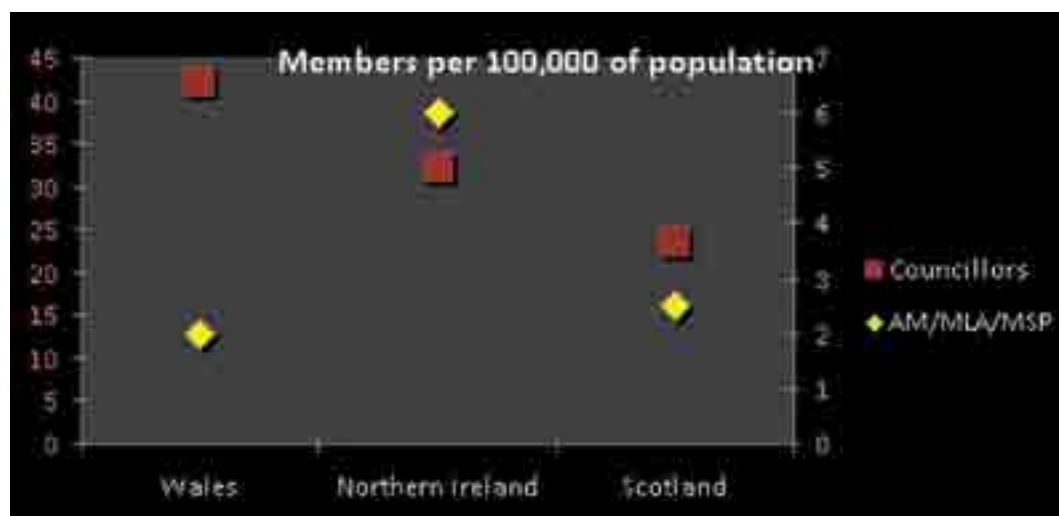


The final decision on the number of constituencies and MLAs will require a detailed political discussion and agreement between the NI Executive and the political parties. NILGA is of the view that it would rather see an arrangement which fosters very clear and productive communication and partnership decision-making between separate tiers of government in Northern Ireland – regional and local - rather than concentrate primarily on a preferred number of MLAs per se. If this Review was holistic and “whole system” driven, that is, inclusive of the representation and devolution within the UK and inclusive of the role of local government, it would move away from a sterile “less is better” debate.

There is a direct and necessary case to populate each tier of government based on what it has to do, for example, in Wales there are fewer AMs because local government fulfils more functions.

NILGA believes that there is sufficient political capacity at local level (benchmarked against Scotland and Wales) which is not being utilised.

It is important that the consultation is not engulfed into a very mechanical debate based on the political structure being assessed on an almost managerial basis. The Assembly is a political institution. Consequently the representational role of the politician needs to be pivotal. Nothing is gained by having a small political institution that can run itself functionally, but where members are too remote from their public.



<p>(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs</p>
<p>What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (i.e. 16 rather than 18 constituencies)?</p> <p>A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?</p> <p>Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?</p> <p>It is noted that under the current linked system a reduction in the number of constituencies from 18 to 16 would reduce the number of MLAs from 108 to 96. The potential for further reduction has also been identified in terms of the number of MLAs per constituency.</p> <p>If this reduction and the further reduction being considered were to take place, participation issues may arise if the current Department and Assembly Committee arrangement is to be maintained.</p> <p>At present, there are demands placed upon elected members – whether MEPs, MPs, MLAs or Councillors – which are driven by processes, attendance, and equality of representation, rather than pure public service and constituency matters. NILGA does not foresee any fundamental change, but a streamlined number of MLAs must lead to a streamlined number of “process” requirements of the type mentioned above and must also pre-suppose the transfer (with full business and resource planning) of powers from the Assembly to Councils.</p> <p>A New Burdens Doctrine – as exists in England between central and local government – could assist this extensively. This succinctly provides a template to enable formal transfer of functions to be completed in terms of a partnership of consultation, assessment of risk, determination of business rationale, implementation and resource management.</p> <p>Constituency demands on members will also increase.</p> <p>If confidence is to be maintained in the Assembly’s scrutiny role, and in the participation of elected members on committees, thought should be given to a rationalisation of both the committee structures and departments, and therefore a significant reduction in their back office demands and functions.</p> <p>The decision regarding the number of constituencies and MLAs will require a detailed political discussion and agreement between the NI Executive and the political parties.</p> <p>NILGA’s multi party leadership together with its Executive does not wish to comment on the matter at this time.</p>
<p>(3) The reduced number of MLAs required ensuring that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.</p>
<p>What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?</p> <p>Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?</p> <p>What factors should the Committee take into account when deciding on the size of the Assembly?</p> <p>The final numerical assessment must permit effective operation of the Assembly as a legislative and scrutiny body, and ensure that inclusivity is safeguarded. NILGA sees the NI Assembly as a legislative, scrutiny and strategic policy provider for NI’s public services on behalf of tax payers and the general public. It is important when looking at issues such as size, to consider also factors such as:</p> <p>A business case approach to the resources needed to fulfil the required roles.</p> <p>Assurances in regard to equality of representation and opportunity for elected members to play a full part in decision making.</p> <p>The instigation of integration, collaboration, co-operation, innovation, improvement, and efficiency practices embedded in the evolving Assembly, as deployed by councils informally for many years and formally since late 2011, in order to manage performance and continuously improve the institutions / services in question thus ensuring a value for money ethos at the core of all that is carried out (whether MLA, official, service provider or outsourced body).</p>

NILGA would suggest that an independently commissioned and delivered efficiency audit is completed in this regard.

NILGA also asserts that in order to rationally look at the size of the Assembly, there needs to be a full and thorough analysis of the existing and proposed suite of functions to be determined

- (i) by the Departments;
- (ii) by Councils;
- (iii) by the private sector and the social economy.

Preparing a "Vision for Local Government", shaped by the needs and requirements of local people, delivered innovatively and effectively, is a corporate issue for NILGA, mandated by councils. The ratio of service provision between the Assembly and councils is particularly high for the contemporary and stable society we now inhabit. NILGA will be happy to commit constructively, objectively and impartially to an evidence-based discussion with the Assembly and Executive Review Committee.

- (4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

NILGA does not have any detailed comment to make on the potential for any further reduction regarding the number of MLAs, except that the final outcome must permit the effective operation of the Assembly as a legislative and scrutiny body with inclusivity safeguarded.

Any reduction in the number of departments should also lead to a reduction in the number of committees.

- (5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained.

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

NILGA has acquired significant knowledge and experience of reform, through its work on the earlier Strategic Leadership Board and Policy Development Panels, and its current proposals and practices for the forthcoming RPA.

It is recommended that the Review Committee should formulate a set of principles, similar to or building on the original 10 RPA guidelines. The overarching structure of all changes to public service should be a full focus on the needs of the citizen.

In his 2002 paper on Public Service reform, Colin Knox identified that:

"International experience suggests there is no single template for public service reform which can be superimposed on Northern Ireland's existing political and administrative systems."

He did identify however, the value of comparing the Northern Ireland experience of government, with international good practice from a range of countries implementing reform to different heights, but within a local context.

Knox discussed public service reforms loosely, using the term 'New Public Management', which aimed to achieve more entrepreneurial government, typically including:

- A greater emphasis on performance management
- The promotion of competition
- Improvements in financial management
- A focus on service outputs
- Improved management practices to empower public sector consumers

Devolution has offered the Northern Ireland Executive the opportunity to make changes in public administration, but this opportunity has only been partly utilised. It is vital that we ensure that delivery of services mirrors local needs.

Knox identifies that :

“This must be done within a public expenditure budget whose derivation lies largely outside the control of the Executive. Hence the reforms’ focus on ‘getting more for less’ must address how existing services are better structured, managed and held to account within a locally elected assembly. “

NILGA would highlight to the Committee that ten principles were set out in 2002 by the panel of independent experts as being essential to the Review of Public Administration.

These were:

- democratic accountability through the involvement of elected representatives, both locally and regionally;
- community responsiveness to local needs and the incorporation of best practice from the voluntary and community sectors, and local partnerships;
- cross-community concerns, not least the concerns of minority communities in different parts of the region;
- equality and human rights related to the fair provision of services to all throughout Northern Ireland, including equity of access to services;
- subsidiarity regarding the relationship of services development and delivery to different geographical scales – local, sub-regional and regional;
- quality of service which combines efficiency and effectiveness with quality standards;
- coordination and integration of services to deliver cross-cutting policies and achieve geographical coherence;
- scope of the public sector in service delivery and the potential contributions of the private, community and voluntary sectors;
- efficiency and effectiveness related to the avoidance of duplication, the minimising of administrative expenditure and the maximising of resources on front line services; and
- innovation and business organisation involving the development of better ways to deliver services.

It is recommended that this or a similar set of principles be used to inform a departmental and Assembly assessment.

On examining systems elsewhere, NILGA would note the following:

- Government departments and ministerial portfolios are often based on the priorities of the governmental programme, and designed around families of issues.
- In Wales, the government directorates are cross cutting.
- There is a need to emphasise delivery.

NILGA would therefore pose the questions:

Should our departments, and therefore the scrutiny committees, be based on scrutiny of the current individual departments, OR

Should they be designed to scrutinise the implementation of the Programme for Government, using a themed approach?

If the focus of the Assembly is to ensure the departments are delivering the Programme for Government, then one option would be for our departments to be designed around that Programme.

If we look at the themes of the Programme for Government, this would suggest a refocusing along the five priorities that are the building blocks of the PfG, for example:

1. OFMDFM (North – South, East – West, external relations)
2. Growing a sustainable economy (skills, business, enterprise, technology and science)
3. Investing in the future (education, participation and lifelong learning)
4. Natural resources (environment, farming, rural affairs, renewables)
5. Overcoming disadvantage (tackling inequalities, justice, housing, welfare)
6. Health and well-being
7. Safer, sustainable, strong, shared, communities (with local government services)
8. Finance, public services
9. Planning and infrastructure

A second option is to look at ‘families of services’, and to explore whether the families of services that are grouped together currently in our departments are a suitable grouping for effective working.

For example, the other three UK administrations have a Department of Communities and Local Government. In Northern Ireland such a department could also involve regeneration, strategic planning and housing. The potential future smaller DOE, minus planning (and an independent NIEA?), could be further rationalised by moving the environmental responsibilities into a bigger Department of Environment, Farming and Rural Affairs, mirroring Defra.

An additional issue to consider is the potential to make more use of the ‘junior minister’ system as evidenced in Scotland. This would enable an individual focus on important portfolios and delivery, while permitting an integrated themed ministerial ‘team’ approach to PfG priorities, and thus avoiding increasing the number of committees or burden the wider Assembly membership. It would also have the positive impact of increasing developmental elected member capacity.

Although it would be desirable to rationalise and save money as part of this exercise, there is also an opportunity to look at cross-cutting issues such as external affairs, local government, and sustainable development.

In conclusion, if form is to follow function, which is determined by results as required by the customer / public, the Programme for Government allows an overhaul based on apolitical determinants, customer focus, and the development of a new approach to public service provision – promoting greater use of local authorities and a culture of self help in the communities we serve, respect and represent – whether councillor or MLA.

Delivery requires responsible and dynamic decision making; responsibility and subsidiarity are preferred outcomes rather than retention of power as an end in itself.

NILGA would be pleased to offer further evidence through a task and finish team, as determined by the Committee, should this be deemed appropriate.

Section 5

Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

This paper was considered by NILGA’s Executive and Full Members in March 2012, who approved the content as set out above.

Platform for Change

Section 1 Stakeholder Details				
Stakeholder Name	Telephone Number			
Platform for Change	02890130608			
Stakeholder Address	Stakeholder Type (Include one or more X)			
#44 South Studios Tates Avenue Belfast BT9 7BS	Registered Political Party		Local Government	
	Academic		Government	
	Legislature		Non-Government	X
	Other (Please Specify)/ Member of the Public			
Please provide some background information on your role as a stakeholder				
<p>(This box will expand as you type)</p> <p>Platform for Change was launched in 2010 to promote political realignment and civic renewal in Northern Ireland.</p> <p>Platform for Change supports:</p> <ul style="list-style-type: none"> • a politics focused on the public interest and the common good; • a cohesive government in which power is genuinely shared; • an assembly which gives the citizen a real voice; and • a vision of a tolerant and inclusive society without dividing lines. 				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma.</p> <p>Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.</p> <p>Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>				
Section 4				
Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider				
(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link				
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>				

(This box will expand as you type)

Platform for Change sees no need for a coupling between the boundaries of the assembly and Westminster constituencies. As in Scotland and Wales, the distinct functions of the devolved parliament/assembly and Westminster mean there is no logical need for co-terminosity.

Platform for Change disagrees with the presumption in this inquiry that the number of MLAs can be logically dissociated from the method of their election. A reduction in the number of MLAs per constituency will reduce proportionality in a manner that would not be the case if it were to be associated with a shift to the additional member system applying in Scotland and Wales. Moreover, a shift to AMS (or the alternative vote with a top-up) would arguably help address the policy deficit apparent at Stormont—for example, in the relative paucity of primary legislation—whereas STV, in which all representatives have a competitive constituency focus, favours the politics of the parish pump.

Platform for Change would be perfectly happy with an assembly reduced in size to 80 members, which would be the outcome of a reduction by two in the number of Westminster constituencies on which the assembly is currently based, allied to a reduction by one in the number of members per constituency. But this is not the way to do it.

What is required is an impartial review under an independent commission to consider the electoral system to the Northern Ireland Assembly, with the corollaries of the number of constituencies and, depending on the system advocated, the number of assembly members. This would provide a robust basis for Westminster legislation in the subject and would not be vulnerable to the challenge—as now with the committee's consideration of aspects of this inherently interconnected congeries of issues—that those addressing it are partis pris.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

(This box will expand as you type)

A reduced number of MLAs would have implications, if introduced in isolation, for the effective functioning of the committee system. It should logically be connected to a reduction in the number of departments and so statutory committees, so that the adequacy of scrutiny by the latter is not diminished.

We have indicated above that we do not believe the number of assembly members and constituencies can be rationally discussed in abstraction from the method of election.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

(This box will expand as you type)

We have indicated above that we would view an assembly of 80 members (or thereabouts) as reasonable.

This would still be disproportionately large, compared with the Scottish Parliament and the Welsh National Assembly. It would however be closer to the size (78 members) of the assembly elected in 1973, associated with the power-sharing executive of 1974.

<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system</p>
<p>Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.</p> <p>In particular, what changes would you propose to ensure a robust and effective committee system?</p>
<p>(This box will expand as you type)</p> <p>The number of committees should be reduced <i>pari passu</i> with the number of departments (see next answer) to ensure individual members are not required to attend more committees and/or committee membership is reduced.</p> <p>Removal of the dual (and in some cases even triple) mandates of many members is essential to ensure committee work is taken seriously, rather than the assembly being perceived as just another place to make speeches and lobby.</p> <p>Platform for Change has also been to the fore in recommending a shift to a recognised and resourced assembly opposition. In the absence of this, there is a <i>de facto</i> executive majority in ever committee and independence of thought is not at a premium.</p>
<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained</p>
<p>How many departments are required to effectively discharge the current range of devolved functions?</p> <p>In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?</p>
<p>(This box will expand as you type)</p> <p>Platform for Change would insist that, as with the number of MLAs, decisions as to the number of departments should not be made on the basis of partisan considerations—as with the decision to abolish DEL at a time of critical concern <i>vis-à-vis</i> youth unemployment and the financing of further and higher education—but on those of good governance. They can thus also not logically be made in abstraction from other considerations.</p> <p>Platform for Change believes that seven departments would be a reasonable number but the structure should be aligned with overarching policy goals as in Scotland, rather than simply being conceived as silos for particular public services, like schools, police or hospitals. A possible illustrative structure (implying the establishment of an independent environmental protection agency) would be:</p> <ul style="list-style-type: none"> • Reconciliation • Sustainable development • Social inclusion • Education and lifelong learning • Health and well-being • Justice • Finance. <p>The Office of the First and Deputy First Minister should be replaced by an Office of the First Minister, with the incumbent being the agreed leader of an agreed cross-sectarian coalition, voted into office with a secular weighted majority (with any parties not party to the coalition forming the official Opposition). S/he should then exercise civic leadership for the whole society impartially, rather than representing merely the Protestant community politically ('unionists') as now.</p> <p>It is critical that the executive operates, like its predecessor in 1974, on the basis of collective responsibility, so that joined-up government can be made a reality. There should only be one permanent secretary, doubling as secretary to the executive and head of the civil service, again as in Scotland, to ensure collective decisions are smoothly implemented across the system.</p>

Section 5
Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

(This box will expand as you type)

Platform for Change reminds the committee that the Ipsos-MORI poll on public attitudes to the assembly published in 2010 revealed that three-quarters of respondents wanted significant improvement in the governance arrangements, their disillusionment matched by disengagement—international affairs attracting more public interest than the working of the assembly. Platform for Change articulates this citizen-based demand for change.

A piecemeal response focusing narrowly on the number of MLAs and departments will not address this profound challenge. An holistic approach is needed, as we have set out, which meets it coherently and comprehensively.

Committee for the Office of First Minister and Deputy First Minister

**Committee for the Office of First Minister
and Deputy First Minister**

Room 435

Parliament Buildings

Tel: +44 (0)28 9052 1903

From: Alyn Hicks
Clerk to the Committee for the
Office of the First Minister and Deputy First Minister

Date: 23 February 2012

To: John Simmons
Clerk to the Assembly and Executive Review Committee

Subject: Review of the Size of the Northern Ireland Assembly and Number of Government
Departments

Dear John,

At its meeting of the 22 February, the Committee for the Office of the First Minister and deputy First Minister considered correspondence from you regarding the Review of the Size of the Northern Ireland Assembly and Number of Government Departments.

The Committee agreed that as the Office for the First Minister and deputy First Minister have already been invited to make a submission we would ask them to copy the Committee into their response.

Regards,



Alyn Hicks
Committee Clerk

Mr J. Edgar

Section 1 Stakeholder Details				
Stakeholder Name		Telephone Number		
James Gibson Edgar				
Stakeholder Address		Stakeholder Type (Include one or more X)		
		Registered Political Party	Local Government	
		Academic	Government	
		Legislature	Non-Government	
		Other (Please Specify)/ Member of the Public		X
		Member of the Public		
Please provide some background information on your role as a stakeholder				
<p>This submission is made in a purely personal capacity.</p> <p>I am not a member of any political party and have never been involved in any party political activity.</p> <p>I am a constituent of the Lagan Valley Westminster constituency, and am on the electoral register. I am a regular voter at regional and local government elections.</p> <p>This submission is made as a citizen of Northern Ireland concerned to see the most effective and efficient form of devolved regional government and administration in Northern Ireland.</p>				
Guidelines for Completion of Submissions				
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma.</p> <p>Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.</p> <p>Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>				
Section 4 Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider				
<p>(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link</p>				
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>				

There are a number of advantages for the Northern Ireland Assembly 'decoupling' from the Westminster constituency model in future elections. The main advantage would be that if the Westminster parliament should in the future decide to change the number of constituencies in Northern Ireland, then this would impact directly on representation in the Assembly. This would mean that the number of M.L.A.'s would be changed. The present arrangement means that the Northern Ireland Assembly is not in sole control of its own level of representation. 'Decoupling' would allow the Assembly to be control of its own requirements and allow for greater stability on this issue. The Assembly would not have to be concerned about any further boundary redistribution after the next General Election in 2015. It would also bring the Northern Ireland Assembly into line with both the Scottish Parliament and the National Assembly for Wales.

Since the 1973 Assembly elections there has been a link between the Westminster parliamentary constituencies and elections to regional representative institutions. The vast majority of the Northern Ireland electorate is familiar with this linkage. There is wide agreement that the Boundary Commission bases the Westminster constituencies on fair principles. In addition, the use of the PR-STV voting mechanism to the Northern Ireland Assembly ensures that elected representatives reflect fairly the desires of the electorate.

The author would recommend that the next Assembly election should use the new Westminster parliamentary constituencies (assuming there will be sixteen).

Section 33 of the Northern Ireland Act 1998 should be amended to 'decouple' Assembly constituencies from any future changes to the Westminster parliamentary constituencies.

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs

What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (i.e. 16 rather than 18 constituencies)?

A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?

Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?

The Parliamentary Voting System and Constituencies Act 2011 proposes that the number of Northern Ireland constituencies may be reduced to sixteen. Based on the current model of six M.L.A.'s returned per constituency, this would result in a 96 member Assembly. The author welcomes this proposed reduction of twelve members to the Assembly.

The author would support the use of the proposed sixteen Westminster constituency model as the basis for future elections to the Assembly. There will be some changes to existing constituencies and new constituencies will be formed. However, the review by the Boundary Commission will be open to full scrutiny by the public and vested stakeholders.

The author recommends that with a sixteen Westminster constituency model the number of M.L.A.'s per constituency should decrease to five. This would allow for the return of an 80 member Assembly, which the author recommends as the optimal level of elected representation for regional government in Northern Ireland. The author recommends a decrease of one M.L.A. per constituency to ensure an overall 80 member Assembly.

The author is of the view that five elected M.L.A.'s per constituency is sufficient to allow for effective representation on behalf of constituents. If one Member of Parliament (M.P) can represent the same constituency at Westminster, then five is more than sufficient for a regional Assembly.

(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.

What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?

Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?

What factors should the Committee take into account when deciding on the size of the Assembly?

The author recommends that the next Northern Ireland Assembly should be an 80 member representative body.

An 80 member Assembly is the minimum level required to ensure effective regional government for a population of 1.7 million citizens. The majority of public opinion in Northern Ireland regards the current level of representation of 108 M.L.A.'s as excessive. Northern Ireland has long been regarded as having a top-heavy level of elected representatives, with European Parliament, Westminster Parliament, Northern Ireland Assembly and local government forums. With the Review of Public Administration a number of Government services have been streamlined to ensure greater cost effectiveness. Local government is about to undergo a similar reduction in numbers within the next few years. There is a requirement that representation in the Assembly undergoes a similar review process. The outcome should ensure a more streamlined institution and more effective operational mechanisms.

The existing 108 member Assembly was the outcome of political negotiations leading to the Belfast Agreement in 1998, and enshrined in the Northern Ireland Act 1998. With greater political stability in Northern Ireland there is an opportunity to review the existing structure of the Assembly. The Assembly structure should reflect the changed political and economic circumstances in Northern Ireland.

Comparable regional representative institutions in Scotland and Wales would indicate that Northern Ireland should have a reduced number of elected representatives. Also, compared to Dáil Éireann the Northern Ireland Assembly has a higher number of elected representatives per head of the population. The National Assembly for Wales has 60 members for a total population of almost three millions, while the Scottish Parliament has 129 members for a total population of just over five millions. Thus, the Northern Ireland Assembly should have a reduced level of members based on a similar level of representation per head of population. However, the Assembly still requires a level of membership to ensure its effectiveness in delivering its key functions.

An 80 member Assembly provides an optimal level that would still ensure effective governance. It would also allow all eligible M.L.A.'s to be a member of a Statutory Committee within the Assembly.

The Assembly and Executive Review Committee should take into consideration the following issues when deciding on the size of a future Assembly:

- Number of Government Departments as a result of any proposed changes;
- An effective Committee system should continue to review and scrutinise the work of Government Departments;
- All M.L.A.'s, with the exception of Ministers, Junior Ministers and the Speaker of the Assembly, should have the opportunity to be a member of at least one Statutory Committee;
- Whether other Committee frameworks, such as 'thematic / subject' based Committees, be considered as possible alternatives to the current 'statutory / departmental' Committee system. It may be the case that a combination of types of Committees may be appropriate for the effective workings of the Assembly.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

The author is of the view that any review of membership of the Northern Ireland Assembly must be considered with a review of the number of Government Departments.

The author notes that the Assembly and Executive Review Committee has stated that the statutory basis for the current Committee system is outside the scope of its review.

The current structure of twelve Statutory Committees is based on the current eleven Government Departments, plus the Office of the First Minister and deputy First Minister.

However, the author would recommend that the Assembly should review the basis of its Committee system for the next Assembly. There are two Committee models that may be considered:

- The first model would be a continuation of the existing system of Statutory Committees linked to the number of Government Departments. If the number of Government Departments should be changed then the number of Statutory Committees would change accordingly.
- The second model would be the use of a 'thematic/subject' Committee system. In this respect the Assembly may wish to review the Committee systems of the Scottish Parliament and the National Assembly for Wales. There are a number of possible benefits of using a 'thematic / subject' model of Committees. Firstly, it would allow for greater flexibility in purpose and areas of review. It would allow Committees to have a wider remit that may cut Departmental boundaries.

It is noted that Section 29b of the Northern Ireland Act 1998 would appear to allow for cross-cutting Committee arrangements. There is merit in the Northern Ireland Assembly considering possible Committee arrangements that would allow for greater cross-cutting remits.

It is to be noted that Dáil Éireann currently has a system of Select Committees which allows for remits that cross-cut more than one Government Department.

The author would recommend that for Statutory Committees membership should be a maximum of nine M.L.A.'s, with a quorum of four required to formally convene. Standing Orders of the Assembly should be amended accordingly.

In response to Section (5), the author suggests that there should be nine Government Departments in total. On the basis of an 80 member Assembly, with nine members per Statutory Committee, this would entail 81 Committee places. With Ministers, Junior Ministers and the Speaker of the Assembly not available to take places on a Statutory Committee, this would mean that 67 M.L.A.'s would be available for these 81 Committee places. This would result in a ratio of 1.21, a reduction from the current Assembly ratio of 1.43¹. This would still mean that some M.L.A.'s would hold more than one Committee position, though some form of membership rotation during the lifetime of an Assembly may help to mitigate this situation.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

The author recommends that the next Northern Ireland Executive could be based on nine Government Departments, inclusive of the Office of the First Minister and deputy First Minister.

It is noted that the existing Department for Employment and Learning (DEL) is proposed to be abolished in 2012, and its functions to be distributed between a number of existing Departments. This is in part an outcome of the creation of a Department of Justice in April 2010.

The following suggestions for transfers of functions in a reduced number of Departments is not meant to be prescriptive, but offered for possible consideration by the Assembly and Executive Review Committee. It is based on the assumption that DEL is abolished as a separate Department and its functions have been split between a number of other Departments.

The author recognises that there is no prescriptive answer to the forms of Departments that could be established as a result of re-organisation. Each stakeholder that makes a presentation to the Assembly and Executive Review Committee will probably offer different suggestions for new Departments. The author offers the following suggestions for consideration by the Assembly and Executive Review Committee. However, the author also recognises that political considerations by the main political parties will ultimately have a significant bearing on the shape of future Government Departments.

The author would recommend that Government Departments be constructed on a thematic basis. For example, the Department of Enterprise, Trade and Investment should be based on the theme of economic development in its widest sense. Similarly, one Department should be responsible for all issues relating to energy.

The author suggests that the current Department of Culture, Arts and Leisure could be abolished and its functions split between other Departments. 'Culture' and 'Arts' could be assigned to the Department of Education and / or the Department for Social Development (D.S.D.). The function of 'Leisure' could be assigned to the current Department of Health, Social Services and Public Safety. The logic for this suggestion is that 'Leisure' could be viewed under a remit of 'healthy living'. The function of Inland Waterways and Fisheries may logically sit within an enhanced Department of Agriculture and Rural Development. The function of Museums, Libraries and Archives could be assigned to the D.S.D. Similarly, the functions of Language and Cultural Diversity would complement the existing remit of the D.S.D. Arts, Creativity and Architecture could be split between a number of other Departments: creative industries could go to the Department of Enterprise, Trade and Investment; Community and Arts to the D.S.D.; and Architecture and the Built Environment to the Department of the Environment.

The author also suggests that the existing Departments of the Environment (D.O.E.) and Department for Regional Development (D.R.D.) could be amalgamated to form a new Department, maybe called the Department for Regional Planning and the Environment. The argument for this amalgamation is that many of the functions of both Departments have related cross-cutting themes. For example, D.R.D.'s remit includes major areas such as public transport, the Roads Service, roads improvement and regional planning. The D.O.E. complements these roles with control of the Planning Service and also has roles covering public transport. The latter includes such functions as driving theory test, road safety, and vehicle licencing. Having these complementary roles within one Department would promote more 'joined up government' in practical terms. In addition, the role of regional planning currently within D.R.D. is closely linked to the role of local government policy that currently resides within the D.O.E.

Another suggestion is for the existing Department of Agriculture and Rural Development (D.A.R.D.) to have its role extended to include areas of activity that are currently within the remit of the Department of the Environment. D.A.R.D. already has a remit that covers environmental issues specific to the rural economy. This Department could be given additional functions that complement its current rural development functions. The author suggests that some aspects of the Northern Ireland Environment Agency could be possibly transferred to D.A.R.D.

The author also suggests that a key policy objective for the Northern Ireland Executive and the Assembly is the development of the regional economy. In this respect the role of the Department of Enterprise, Trade and Investment (D.E.T.I.) will be vitally important in promoting economic growth, inward investment and job creation. There is merit in considering strengthening the role of D.E.T.I. and possibly adding some financial functions currently residing within the Department of Finance and Personnel. This would become more important if the Assembly should be devolved control over corporation tax, or possibly other tax raising functions.

The author would suggest that the following Departments should be retained, though with possible changes to their executive functions:

- Office of the First Minister and deputy First Minister;
- Department of Justice;
- Department of Enterprise, Trade and Investment;
- Department of Agriculture and Rural Development;
- Department of Finance and Personnel;
- Department of Health, Social Services and Public Safety;
- Department of Education;
- Department for Social Development.

While the author recommends that there could be nine Government Departments, inclusive of the Office of the First Minister and deputy First Minister, there is recognition also of the case for just eight Departments in total. This would mean that one of the existing Departments listed above might be amalgamated with another Department.

The author, however, is of the view that eight Departments, inclusive of the Office of the First Minister and deputy First Minister, would be the minimum number required for effective and fully accountable government in Northern Ireland.

Section 5

Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

The Assembly and Executive Review Committee has an opportunity to review and recommend new working arrangements for the Northern Ireland Assembly and the Northern Ireland Executive. Local government institutions have been recently subject to a Review of Public Administration. There is an opportunity for the regional government institution to be subject to a similar review process, with improved structures and working practices being introduced.

There is a public expectation that the Northern Ireland Assembly should lead by example, and operate in a 'leaner' format. However, this should not be at the expense to the effectiveness of the workings of the Assembly Committee system, and the running of Government Departments.

The Assembly and Executive Review Committee has the opportunity to recommend substantive changes in its report to the Northern Ireland Executive, the Assembly, and the Secretary of State for Northern Ireland.

The author would encourage the Committee to meet that challenge.

(Footnotes)

- 1 Source: 'Size of the Northern Ireland Assembly', Research and Information Service Research Paper, Northern Ireland Assembly, 10 November 2011. p. 12.

Independent Financial Review Panel (IFRP)



28 March 2012

Mr Stephen Moutray MLA
Chairman
Assembly and Executive Review Committee
Room 242
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

Dear Mr Moutray

I am responding on behalf of the Independent Financial Review Panel to the AERC consultation on the Review of the Size of the Northern Ireland Assembly and Number of Government Departments. The Panel's comments are restricted to those issues which fall within its remit.

The Independent Financial Review Panel (IFRP) was appointed on 1 July 2011 under the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011. It is fully independent. Its decisions do not require the approval of the Assembly or the Assembly Commission.

The remit of the IFRP is to set the level of salaries, allowances and pensions payable to members of the Northern Ireland Assembly. The Panel is required to do so in a way which is fair, ensures probity and accountability, represents value for money and does not prevent people from seeking election to the Assembly on financial grounds. The Panel's first Report, a copy of which is attached, was published on 14 March 2012 and relates to the current mandate of the Assembly which is scheduled to continue until 2015. The Panel also published a Determination which gives legal effect to its decisions.

In addressing the task, the Panel carried out a triple benchmarking exercise which involved a comparison of MLA salaries with those of other UK legislative bodies and also with occupations with similar responsibilities in the public and private sectors in Northern Ireland. The Panel also examined the relative weight of the various posts within the Assembly which attract Office Holder Allowances.

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Independent Financial Review Panel

To further inform its work, the Panel consulted widely with the public, including the business sector, and with Assembly Members. Although the number of responses to the consultation process was limited, much of the criticism expressed was not related to the salaries of individual MLAs but rather the overall cost of the Assembly. A frequently expressed view was that there were too many Assembly members.

In the benchmarking exercises which the Panel carried out, the main factor that became evident was the relatively low span of MLAs' responsibilities due primarily to the number of MLAs per constituency. MLAs represent on average considerably fewer voters than their counterparts in other devolved legislatures and the House of Commons and therefore cost proportionately more. The starkest example of this relates to MPs and MLAs. Each Westminster constituency has one MP costing £66k in salary and £145k in expenses as well as six MLAs costing a total of £258k in salaries and £450K in Office Costs Expenses. The Assembly representation costs 3.4 times per constituency as that of the Westminster representation. A comparison of the number of constituents per elected member in the Assembly, the Scottish Parliament, The National Assembly for Wales and the House of Commons at Westminster is shown in Table 6 on page 30 of the Panel's Report.

The nature of the political arrangements in the Assembly is such that there is a substantial amount of duplication in the responsibilities of MLAs within constituencies. In evaluating the constituency responsibilities of MLAs, the Panel acknowledged that, while constituency responsibilities are a vital element of the role of an MLA, those responsibilities are shared amongst the six MLAs in each constituency.

The Panel's research raised a fundamental question i.e. "What is the role of an MLA?" The survey of MLAs and meetings with Members suggest that around 50% of MLAs' time is spent dealing with constituency business. Whilst the Panel fully understands that this is practical politics, it believes that much of this work is of a character that relates more to the work of local councils and other matters that might be better dealt with in other ways for example by Government Departments, local authorities or the Citizens Advice Bureau.

Northern Ireland is a small place. It has a small political space but that space is very crowded with MPs, MLAs and councillors. This makes it harder for the public to understand the difference between the roles of elected representatives and to identify the one who can best provide them with support or resolve their problems. The Panel was made aware of some (limited and anecdotal) evidence that the multiplicity of representatives can lead to competition between members of the same



Independent
Financial
Review
Panel

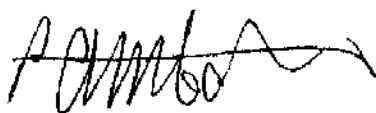
party in the same area for example, between councillors and MLAs or between MLAs and MLAs.

The current political structures mean that duplication and competition are unavoidable. It also means that the costs are high with each MP and MLA receiving a salary and each councillor receiving a basic allowance for representational responsibilities which frequently overlap. The public is becoming increasingly aware that it is they as taxpayers who are paying for this. The huge outcry when IFRP published its proposals was symptomatic of a deep public concern about the effectiveness and cost of local politics. The Panel believes that having too many representatives in the one small political space has a negative effect on both of these factors.

In assessing the appropriate level of Office Holder Allowance for those MLAs holding a post of Minister, the Panel recognised the importance of this role. However it was apparent that while there are significant demands on these posts, the scope of their responsibility and the size of their portfolios varied considerably both within the Assembly and in relation to other devolved UK legislatures. The Panel considered whether there should be difference levels of allowance for Ministers based on their responsibilities but decided that it would not differentiate between posts for their first Determination. The Panel has stated that for its next Determination, it will address any different levels of ministerial posts based on size, type, accountability and complexity. In so doing it will be guided by any changes agreed by the Executive in relation to Ministerial responsibilities.

The Panel would be happy to meet with the members of the Assembly Executive Review Committee to expand on these views.

Yours sincerely



PATRICK MCCARTAN CBE
Chairman

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Institute of Directors and Northern Ireland Independent Retail Traders Association (IoD and NIIRTA)

Section 1					
<u>Stakeholder Details</u>					
Stakeholder Name		Telephone Number			
Institute of Directors Northern Ireland And NI Independent Retail Traders Association		028 9068 3224			
Stakeholder Address		Stakeholder Type (Include one or more X)			
IoD Riddel Hall 185 Stranmillis Road Belfast BT9 5EE linda.brown@iod.com		Registered Political Party	<input type="checkbox"/>	Local Government	<input type="checkbox"/>
		Academic	<input type="checkbox"/>	Government	<input type="checkbox"/>
		Legislature	<input type="checkbox"/>	Non-Government	<input type="checkbox"/>
		Other (Please Specify)/ Member of the Public		<input checked="" type="checkbox"/>	
		Representative business body			
Please provide some background information on your role as a stakeholder					
<p>The Institute of Directors (IoD) is a non-party political organisation representing the views of around 40,000 individual business leaders in the UK with almost 900 members in Northern Ireland. Members are drawn from the private, public and third sectors. The response to this consultation has been discussed by members of our Northern Ireland Committee and our Economic Strategy Committee and reflect discussions with members at events and other committee meetings since the establishment of the current Assembly departmental structure.</p> <p>This submission also has the support of the Northern Ireland Independent Retail Trade Association (NIIRTA), which is the representative body for the independent retail sector in Northern Ireland. NIIRTA represents the interests of over 1,300 independent retail members throughout the Province.</p>					
Guidelines for Completion of Submissions					
<p>The Committee would ask that stakeholders submit <u>electronic</u> responses using this pro forma.</p> <p>Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means.</p> <p>Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>					

Section 4	
<u>Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider</u>	
(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link	
What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections? Please offer supporting evidence for your view on whether the link should be removed, or retained. If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?	
We wish to restrict our comments to the section on the number of government Departments.	

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

The Institute of Directors agrees that Northern Ireland is over-governed and, as a result, there is considerable scope for improving the efficiency and effectiveness of governance.

While the focus of this response is the number of Northern Ireland Departments, the IoD suggests that, with the proposals to realign Westminster constituencies and reduce the number to 16, each Westminster constituency should return just 4 Members of the Northern Ireland Assembly thus creating an Assembly of 64 rather than the current 108.

In relation to the number of Departments, the current structure of 12 Departments has created considerable overlap and duplication of functions as well as confusion amongst the public as to which Department is responsible for which function.

As a business organisation representing and lobbying on behalf of our members, we believe the current system needs a radical overhaul and that Northern Ireland requires no more than seven government departments.

In addressing key policy areas, the current departmental structure results in a cumbersome process, which slows down decision-making and makes it harder to tackle problems and generate effective policy solutions.

For a region our size, seven departments are sufficient to provide effective streamlined government with clear strategic objectives.

By reducing the number of Departments and reallocating functions, the Institute believes that the result will be:

- more streamlined governance
- more strategically focused policy
- better joined up government
- stronger collective responsibility by the Executive

The Departments

Bearing in mind that the implementation of the Review of Public Administration will see some functions of central government devolved to local government, the IoD believes that a maximum of seven Departments would suffice to provide Northern Ireland's governance needs.

Below are our suggestions for a model comprising seven Departments. However, we recognise that this should be the subject of a comprehensive review of the needs of governance for a population of around 1.75 million people, taking into consideration the impact of devolving functions to local government through the RPA and identifying services that can be delivered outside the public sector – particularly through social enterprises and the private sector.

We believe that as a general rule, central Departments should focus on policy formulation and not service delivery.

The reduction in the number of Departments would, of course, result in fewer Assembly Committees, further streamlining governance.

The new Departments

The new Departments might be:

- Office of the First Minister and deputy First Minister
 - A streamlined OFMdFM would focus on administration and coordination
 - Current functions that have been allocated to OFMdFM for political rather than efficiency reasons should be reallocated to other Departments, eg Strategic Investment Board (to a new Department of Strategic Development), Community Relations and Victims (to a new Department of Justice and Equality).
- Department of Finance & Personnel
- Department of the Economy

To include most of the current DETI functions plus skills (HE and FE) from the current DEL, and

 - Tourism functions from the other Departments which currently have a tourism budget (eg DARD, DCAL – including sports, arts, culture)
 - Energy to move to Strategic Development
- Department for Strategic Development

To include the functions of the current Departments of the Environment, Regional Development, Agriculture & Rural Development, and Social Development in relation to planning (regional, town/city and rural development), regeneration, transport and energy
- Department for Education
 - Including the careers functions from the current DEL
 - Policy on teacher training
- Department for Health & Social Service
 - Including benefits/Social Services Agency
 - Public safety should move to the Department of Justice and Equality

- Department of Justice and Equality
 - Including community relations, victims and public safety

Service Delivery

In order to support the rebalancing of the Northern Ireland economy, many services currently delivered in the public sector could be provided at 'arms length' within the private sector and social enterprise sector – for example, water, housing, planning, business support – with only policy development being retained within central government.

Ministerial portfolios

Understanding that the current Departments were created to provide Northern Ireland's political parties with Ministerial portfolios, the IoD would suggest that Junior Ministerial roles could be allocated to some of the Departments where the workload might be too heavy for one single Minister – for example, within the new Department for the Economy a Junior Minister might focus on FE and HE, while in the Department for Strategic Development there might be a Junior Minister for Agriculture.

Conclusions

Reducing the number of Departments and realigning their functions would:

- Streamline governance in better proportion to the population
- Provide more strategically focused governance
- Reduce overlap, duplication, confusion, and inefficient use of budgets
- Contribute to more joined up government and stronger collective responsibility by the NI Executive
- Create a government in Northern Ireland that can react more quickly to changes in economic conditions, both locally and globally
- Provide opportunities to rebalance the economy by transferring some service delivery to the social enterprise and private sectors

The IoD believes that a revamped, refocused and re-profiled set of Executive Departments, which are more delivery focused, will be better placed to respond to the global economic challenges and ensure we can move Northern Ireland toward a sustainable recovery.

The Institute is happy to meet the Committee to discuss further the views expressed in this response.

Northern Ireland Public Service Alliance (NIPSA)

John Simmons
 Clerk to the NI Assembly and Executive Review Committee
 Room 242 Parliament Buildings
 Ballymiscaw
 Stormont
 Belfast, BT4 3XX

14 May 2012

Response to Phase 1 of the Northern Ireland Assembly and Executive Review by NIPSA

NIPSA welcomes the opportunity respond to the Northern Ireland Assembly and Executive Review Committee.

NIPSA's main aims are to:

- 1. Secure jobs for its members within Northern Ireland**
 - 2. Protect Terms & conditions for members**
 - 3. Provide a value for money public service**
1. NIPSA response to Northern Ireland delinking from Westminster constituency model would be consistent with our aims in that whatever model our political representative favour NIPSA would continue to ensure working conditions for our members are not diluted in pursuit of efficiency savings.
 2. Proposed reduction of MLA's in NIPSA view will not reduce current workloads; in fact if there are less MLA's representing a constituency, the MLA workload will increase as they will have a greater number of constituents to service. The proposed reduction of MLA's will also mean a reduced number of party staff support and therefore it will be essential that there is a sufficient non-political impartial secretariat to service the additional needs of our politicians. Also if the proposed RPA changes are recommended then this will reduce the number of councils/councillors and could envisage further increases on MLA workloads.
 3. The reduction in MLA's from 108 to 96 or 80 in NIPSA's view would not constitute a reduction in the workload of MLA or Secretariat staff services. Whilst not within the remit of the A+ER committee it would be encouraging for the committee to recommend gender proofing of new MLA's and follow this on through to Committees. Comparators with other legislatures may be considered although NIPSA would see this as an opportunity for A+ER to review and modernise the working operations of the Assembly, such as roles of the Committees, Plenary timings and debates.
 4. NIPSA would see this as an opportunity to review Committee structures, scrutiny roles within the Assembly. If departments are reduced, amalgamated or new departments are created these departments should be mirrored through the establishment of a relevant statutory committee. NIPSA would also encourage that committee numbers would not include individual MLA's sitting on several committees simultaneously. NIPSA would note that an increased scrutiny and analytical role of new committee structure would have an increased workload. NIPSA would also see a review of standing committees to meet the required needs of a new Assembly structure.
 5. NIPSA would welcome the fact that if the current departments are reduced a sensible approach is taking in creating new departments, for example in the case of DEL, NIPSA

supports the case that DEL should be amalgamated with ETI yet consideration of splitting DEL between two departments is not a value for money option. It is an ideal opportunity to realign old departments and also remove a number of ad hoc areas such as Economic Policy and Regeneration into an Economy Department.

Overall whilst there is general agreement that there needs to be a reduction of political representatives and a review of Government Departments and Assembly Scrutiny Committees the current work levels will not decrease but increase and therefore apply more stress on those politicians and staff within the new structures.

NIPSA would advise the A+ER committee that while there is a cost saving opportunity in reducing political representation at both Council and Assembly level the front line needs of the community are increasing and the further reduction of secretariat staffing levels will impact on the effectiveness of those politicians to fulfil their role in providing political leadership in a society that is continuing to evolve in a post conflict environment.

Yours sincerely,

Thomas McCullough

NIPSA Chairperson Branch 22
Ex 88320.

Northern Ireland Women's European Platform

John Simmons
 Clerk to the NI Assembly and Executive Review Committee
 Room 242 Parliament Buildings
 Ballymiscaw
 Stormont
 Belfast, BT4 3XX

28 March 2012

Response to Phase 1 of the Northern Ireland Assembly and Executive Review by Northern Ireland Women's European Platform

Northern Ireland Women's European Platform (NIWEP) welcomes the opportunity to respond to the Northern Ireland Assembly and Executive Review Committee.

Northern Ireland Women's European Platform is a membership umbrella organisation working to influence policy, programmes and legislation at local, national, European and International level.

Northern Ireland Women's European Platform has special consultative status at the United Nations, and is a member of the UK Joint Committee of Women which is a member coordinated to the European Women's Lobby.

NIWEPs main aims are to:

- 1. capture the position of women in Northern Ireland and to ensure their voice is heard in international arenas**
- 2. hold Government accountable for working towards equality through meeting international standards**

Background

1. Women make up 51% of the population in Northern Ireland, yet this proportion is not reflected in political life. At present we have 20 female MLAs and that equates to less than 20% of the elected membership of the Northern Ireland Assembly. In addition, female representation at local council level must be addressed, as only 23% of Councillors are women. The Northern Ireland Assembly as a corporate body does not have any women as Directors.

Belfast Agreement

2. In the Belfast Agreement of 1998 there were two references to ensure gender equality particularly around political and public life which were:

Rights, Safeguards and Equality of Opportunity - Human Rights

The parties affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community. Against the background of the recent history of communal conflict, the parties affirm in particular:

- the right of women to full and equal political participation; and

Rights, Safeguards and Equality of Opportunity - Economic, Social and Cultural Issues

Pending the devolution of powers to a new Northern Ireland Assembly, the British Government will pursue broad policies for sustained economic growth and stability in Northern Ireland and for promoting social inclusion, including in particular community development and the advancement of women in public life.

3. The structures and process which embedded the Belfast Agreement into shaping post-conflict Northern Ireland make little attempt to ensure robust mechanisms for gender parity. In 2001 The Sex Discrimination (Election of Parliamentary Candidates) Act 2001 permits political parties to undertake positive action to reduce inequality in the number of women and men elected, but its provisions have been little used by the political parties.

UN Security Council Resolution 1325 – Women, Peace and Security

4. By 2007 and the St. Andrew's Agreement the United Nations Security Council had already adopted Resolution 1325 – Women, Peace and Security in 2000. This Resolution was to ensure that in peace negotiations the processes and structures put in place to maintain peace would ensure parity between women and men. Both the UK and the RoI governments had acted as negotiators in the peace process at St. Andrew; both are key players in the United Nation's Security Council;(the UK at present is leading the Security Council), and the RoI and UK have National Action Plans on UNSCR 1325, but neither have implemented United Nations Security Council Resolution1325 in Northern Ireland despite it being in a post-conflict period.

Convention for the Elimination of all Forms of Discrimination (CEDAW)

5. Furthermore in 2008 the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) made recommendation regarding women and politics in Great Britain and Northern Ireland. It is important to note that the UK and the RoI have both accepted the Convention which therefore obligates the Northern Ireland Executive and Assembly to fulfil their commitment to undertake a series of measures to promote women at all levels of decision-making. The Concluding Observations of the Committee on the Elimination of Discrimination against Women in 2008 state:

285. The Committee calls upon the State party to take measures, with benchmarks and concrete timetables, to increase the number of women in political and public life, at all levels and in all areas, in the light of its general recommendation No. 23 on women in political and public life. It also recommends that the State party introduce temporary special measures, in accordance with article 4, paragraph 1, of the Convention and general recommendation No. 25, to strengthen its efforts to promote women to positions of leadership. To that end, the Committee urges the State party to increase the availability of training and capacity-building programmes for women wishing to enter or already in public office and to enhance its awareness-raising campaigns on the importance of women's participation in political and public life. The Committee also calls for the full implementation of Security Council resolution 1325 (2000) in Northern Ireland.¹

Recommendations

- **To ensure throughout the review of the operation of the Northern Ireland Assembly and the Executive that gender equality is one of the main priorities considered at every step throughout the process;**
- **To undertake the benchmarks with timescales articulated by the UN Secretary General Ban Ki Moon with regards to implementation of UN Security Council Resolution 1325 to ensure the increase of women in politics and decision making; and**
- **To adopt policies and programmes to address the issues raised by CEDAW in 2008 to increase the number of women standing for election and participating in decision-making roles at all levels of political and public life by all fair means including temporary special measures.**

1 Committee on the Elimination of Discrimination Against Women – Forty-First Session – 30 June – 18 July 2008
United Kingdom of Great Britain and Northern Ireland Extract from A/63/38, page 142

Royal Town Planning Institute NI

Section 1 Stakeholder Details				
Stakeholder Name		Telephone Number		
Royal Town Planning Institute Northern Ireland		07779226924		
Stakeholder Address		Stakeholder Type (Include one or more X)		
Royal Town Planning Institute (NI) PO Box 69 CARRICKFERGUS BT38 8WX		Registered Political Party		Local Government
		Academic		Government
		Legislature		Non-Government
		Other (Please Specify)/ Member of the Public		X
Please provide some background information on your role as a stakeholder				
The Institute is the largest professional body representing spatial planning and represents over 23,000 professional planners in the public and private sectors. The Institute has over 500 members in Northern Ireland, many of whom are actively involved in developments that cross a number of government departments and are therefore well placed to comment on this paper.				
Guidelines for Completion of Submissions				
The Committee would ask that stakeholders submit electronic responses using this pro forma. Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means. Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.				
Section 4 Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider				
(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link				
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained. If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p> <p>RTPI NI members have expressed the view that a link between Westminster and Northern Ireland constituencies should be retained. It was felt that the link would allow for a more user friendly option that offers ease of use and administration advantages.</p>				
(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs				
<p>What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?</p> <p>A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?</p> <p>Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?</p>				

<p>(This box will expand as you type)</p> <p>No comment</p>
<p>(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.</p>
<p>What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?</p> <p>Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?</p> <p>What factors should the Committee take into account when deciding on the size of the Assembly?</p>
<p>In relation to the number of MLAs it was the view of members that this should be reduced to a maximum of 5 per constituency and that the current number is excessive and not sustainable.</p>
<p>(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system</p>
<p>Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.</p> <p>In particular, what changes would you propose to ensure a robust and effective committee system?</p>
<p>The National Assembly for Wales, with a total of only 60 Assembly Members runs an active Committee structure, providing scrutiny and undertaking arrange of Inquiries. The Scottish Parliament also offers a good example of committee structures.</p>
<p>(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained</p>
<p>How many departments are required to effectively discharge the current range of devolved functions?</p> <p>In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?</p>
<p>Members would welcome the reduction in the number of government departments. The RTPI Northern Ireland has often expressed its concern that the function of planning is split uncomfortably across several departments, mainly Department of Environment, Department of Social Development and Department of Regional Development and to a lesser extent Department of Culture, Arts and Leisure, Department of Agriculture and Rural Development, Department of Enterprise, Trade and Investment and Office of the First Minister and Deputy First Minister.</p> <p>The current situation with Roads Service and planning being governed by different Ministers is being cited by members as a reason for unnecessary and costly delays to the delivery of sound planning decisions.</p> <p>It is vital to the delivery of a fit for purpose planning system that these functions are not split in order to ensure a smooth and joined up approach that will avoid unnecessary delays and enhance accountability.</p>
<p style="text-align: center;">Section 5 Additional Information</p>
<p>Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.</p>
<p>The Institute feels that the review paper provides the opportunity to make preparations for the Review of Public Administration and would urge the Executive not to miss this opportunity.</p>

Women's Tec

Section 1 Stakeholder Details					
Stakeholder Name		Telephone Number			
Women's Tec					
Stakeholder Address		Stakeholder Type (Include one or more X)			
		Registered Political Party		Local Government	
		Academic		Government	
		Legislature		Non-Government	X
		Other (Please Specify)/ Member of the Public			
Please provide some background information on your role as a stakeholder					
<p>Women's Tec was established as a cross-community organisation to promote the equal participation of women in areas of political, economic and professional life in areas in which they are under-represented ('non-traditional' occupations). This is in recognition that segregation by sex in employment is inefficient in drawing on a smaller pool of potential employees, leads to parallel systems of pay and status that are often to the detriment of women, perpetuates unhelpful stereotypes of what constitutes 'male' and 'female' employment and results in workplace cultures that can exclude women. Politics is a key area where women are under-represented and therefore an area in which Women's Tec advocates greater involvement of women.</p>					
Guidelines for Completion of Submissions					
<p>The Committee would ask that stakeholders submit electronic responses using this pro forma. Stakeholders should be aware that their written evidence will be discussed by the Committee in public session and made public by the Committee by publication of its Report or other means. Stakeholders should also be aware that if they decide to publish their submissions, the publication would not be covered by Assembly privilege in relation to the law of defamation.</p>					
Section 4					
Issues (as set out in (1)-(5) of the Committee's Terms of Reference) and Questions to consider					
(1) Whether the statutory link between Westminster and Northern Ireland constituencies should be removed and the implications of removing or retaining this link					
<p>What would be the advantages and disadvantages of Northern Ireland 'decoupling' from the Westminster constituency model for Assembly elections?</p> <p>Please offer supporting evidence for your view on whether the link should be removed, or retained.</p> <p>If your view is that the link should be removed, how many constituencies and MLAs per constituency do you envisage in the 'decoupled' system, and why?</p>					
<p>Northern Ireland constituencies should be decoupled from Westminster constituencies, as they are in Scotland and Wales. The current situation is that there will be an automatic reduction in the number of MLAs based on UK-wide adjustments, rather than careful consideration of the needs of Northern Ireland as a region in the transition from conflict (see (2) below). The Assembly is still young, having only had one full mandate for 'bedding in'. The process of transition requires a longer period of stability for co-operation in everyday political matters and the development of legislation. Significant change at this point may become divisive and counter-productive in the process of political transition from conflict.</p>					

(2) The implications of the forthcoming reduction via the Parliamentary Voting System and Constituencies Act 2011, and any further reduction in the number of MLAs
<p>What, in your view, will be the implications of the reduced number of MLAs arising from the Parliamentary Voting System and Constituencies Act 2011 (ie 16 rather than 18 constituencies)?</p> <p>A further reduction in the 16 constituency scenario could arise from a decrease in the number of MLAs per constituency. What, in your view, are the implications of such a further reduction?</p> <p>Do you consider that the number of MLAs per constituency should remain at 6 or decrease, and if so, for what reasons?</p>
<p>A reduction in the number of MLAs would be opposed on the following grounds:</p> <ul style="list-style-type: none"> • A political system where males predominate creates a culture where access is made easier for men and there are greater barriers for women, for example, based on attitudes that women should not be involved in politics, the networks in which individuals develop as candidates for election being male-dominated and the concept of incumbency, where voters are more likely to re-elect an individual who is already in place or elect someone known in political circles for a length of time, the vast majority of whom are men. In addition, the context of Northern Ireland as a post-conflict society is still dealing with a legacy where politics is regarded as a male, conflict-related profession. The fewer seats, the fewer opportunities for change and therefore opportunities for women to be elected. • A crucial element of a successful transition from conflict is the development of robust and transparent political institutions. The basis of an efficient democracy is in the scrutiny and deliberative arrangements of the legislature, significantly the committee system. Fewer MLAs means less time for deliberation and less access for interest groups and members of the public. In the absence of a critical mass of female representatives, women are more present in the process of organising at community level and therefore less access to the organs of deliberative democracy decreases the opportunities for women's issues to be heard. • Regardless of how many government departments Northern Ireland has in the future, and consequently how many committees there will be in the legislature, the amount of work to administer and legislate for the region will remain the same, and therefore the same numbers of MLAs will be required to scrutinise how this is done. Again, busier and less accessible MLAs will be to the detriment of community participation and therefore to access by women. <p>Women's Tec does not have a view on how many MLAs there should be, but opposes any reduction on the grounds indicated above.</p>
(3) The reduced number of MLAs required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained, consistent with the safeguards on inclusivity.
<p>What size of an Assembly is required to ensure that the effectiveness of the Assembly in delivering its key functions is maintained?</p> <p>Are there comparable arrangements elsewhere which the Assembly and Executive Review Committee could usefully consider?</p> <p>What factors should the Committee take into account when deciding on the size of the Assembly?</p>
<p>The number of MLAs should not be reduced (see (2) above). While the number of government departments may be reduced to secure efficiencies, and therefore the corresponding number of Assembly committees associated with those departments, there is still considerable scrutiny that will be required that may necessitate creating new committees on a thematic basis.</p> <p>Human rights and equality are key aspects of the Belfast Agreement, which should be mainstreamed through all government decisions. However, there are few occasions when the committee for the department with oversight on these matters, the Office of the First Minister and Deputy First Minister, look specifically at human rights and equality issues. Consideration should be given for committees for equality and human rights (or a combined equality and human rights committee) with a remit for cross-departmental oversight on these matters.</p>

Northern Ireland's development as an outward-looking region is an important part of economic development and the transition from conflict. Also, Northern Ireland's position as a devolved region of the UK, but also as the only part of the UK with a land border with another EU state, makes engagement on European issues complex and in need of closer scrutiny. Organisations in Northern Ireland have considerable potential to contribute to EU programmes and share knowledge with other like-minded organisations across Europe, but access funds for activities can be complicated. While EU matters should be mainstreamed through all departments, consideration should be given to the establishment of an EU committee, so that appropriate expertise can be developed to scrutinise the efficiency of accessing EU funds, contributing to EU programmes and policy development and better legislative processes associated with EU obligations.

(4) Proposals to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly in delivering its key functions, including in particular, proposals to ensure a robust and effective committee system

Please indicate what you would propose to change in the current arrangements to mitigate the impact of reducing the number of MLAs on the effectiveness of the Assembly.

In particular, what changes would you propose to ensure a robust and effective committee system?

See responses at (2) and (3) above. Any reduction in the number of MLAs would be opposed.

(5) The reduction in the number of NI Government departments and associated re-allocation of functions which will ensure the effectiveness of the Executive functions is maintained

How many departments are required to effectively discharge the current range of devolved functions?

In broad terms, what functions should be grouped in the reduced number of departments and what factors informed your decisions on grouping functions together in a department?

Women's Tec does not have a view on how many departments there should be or how they are organised. However, it should be clear from the outset where specific functions lie and their administration simplified for easier decision-making, for example, regarding social development and vocational training support.

Section 5

Additional Information

Please provide any additional information which you believe will be of assistance to the Committee during the course of the Review.

The opportunity should be taken to legislate for changes in electoral law to increase the representation of women. Role models are a significant influence on the consideration of women entering politics and a 'critical mass' of women in place has the effect of changing the culture of a context to make it more accessible, as well as having more influence in terms of changing the system from within to make it more accessible. While there are many methods that can be used to promote more women in politics, such as training and development and voluntary provisions in parties, such as all-women shortlists and 'zipping' of candidates, the most effective mechanism for ensuring increased representation is statutory quotas.

It is recommended that the legislation is changed for Assembly elections to require political parties to have at least 40% of candidates of either sex, similar to provisions of the Electoral (Amendment) (Political Funding) Bill currently transiting the Oireachtas. This would provide that a failure to field the required quota of candidates would result in a 50% reduction in state funding to that party. As recipients of state funding, political parties are quasi-public associations and therefore conditions may be set on their use, provided it does not seek to influence party policy. Once selected, women candidates will still be required to be returned by the electorate, so it is not imposing the allocation of seats against the will of voters.



Northern Ireland
Assembly

Appendix 5

Correspondence Relating to the Review

Appendix 5 – Correspondence Relating to the Review

13th September 2011 – Correspondence from the Secretary of State of Northern Ireland

27th September 2011 – Correspondence to the Secretary of State of Northern Ireland

24th October 2011 – Correspondence from the Secretary of State of Northern Ireland

19th January 2012 – Correspondence to the First Minister (FM) and deputy First Minister (dFM)

27th February 2012 – Correspondence from First Minister (FM) and deputy First Minister (dFM)

1st March 2012 – Correspondence from Education Committee

13th March 2012 – Correspondence to Education Committee

6th March 2012 – Correspondence from Northern Ireland Public Service Alliance (NIPSA)

13th March 2012 – Correspondence to NIPSA

8th March 2012 – Correspondence from OFMDFM Committee

9th March 2012 – Correspondence from Irish Congress of Trade Unions (ICTU)

13th March 2012 – Correspondence to ICTU

2nd April 2012 – Correspondence from Executive Party Leaders' Group

12th April 2012 – Briefing note from Clerk of the Committee on meeting with FM and dFM

9th May 2012 – Correspondence from Director General of the NI Assembly

15th May 2012 – Correspondence to the Chairpersons' Liaison Group (CLG)

22nd May 2012 – Correspondence from the CLG

17th May 2012 – Correspondence from Chairperson of AERC

Correspondence from the Secretary of State of NI

13 September 2011

The Speaker



**Northern Ireland
Assembly**

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Mr Stephen Moutray MLA
Chair of the Assembly and Executive Review Committee
Room 347
Parliament Buildings

13 September 2011

Dear Stephen,

The Secretary of State for Northern Ireland wrote to me on 5 September 2011 concerning a Bill that he hopes to put forward in the Third Session of Parliament. In his letter he draws attention to the Assembly and Executive Review Committee's review of Assembly and Executive structures and has suggested that the Bill may provide a vehicle to implement any proposals. I attach a copy of his letter for the Committee's consideration.

Yours sincerely,

William Hay MLA



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Secretary of State for Northern Ireland

RECEIVED IN

07 SEP 2011

SPEAKER'S OFFICE

SE/10 CA

Willie Hay MLA
Room 39
Parliament Buildings
Stormont Estate
BELFAST
BT4 3XX

SH September 2011

Willie Hay

I thought it might be helpful to give you notice that we hope to put forward a Bill in the Third Session of Parliament.

The Bill is intended to effect changes relating to political donations in Northern Ireland and other electoral administration issues. However it will also provide an opportunity to make changes to the institutions that command a large measure of support among the parties and where primary legislation may be needed.

You will be aware that, in the absence of further legislation the size of the Assembly would be 96 seats following the reduction in the number of Parliamentary constituencies. However we have made clear that the size of the Assembly is a matter for local agreement and if there were support for a different size the Bill would provide an opportunity to implement that.

I am aware that the Assembly Executive Review Committee is currently undertaking a review of Assembly and Executive structures and the Bill may provide a vehicle to implement proposals arising from this.

Work is already underway on lessons to be learned following the combined elections this year. The Bill could be a vehicle for any consequential provision.



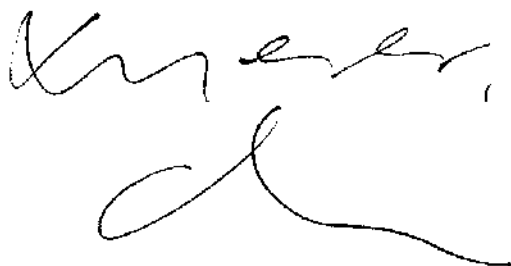
INVESTOR IN PEOPLE

The Bill will also provide an opportunity to legislate to remove the ability of Members of Parliament to also be Members of the Assembly. I have consistently made clear that I want to see this issue resolved by agreement if possible but that we regarded legislation as a proper last resort in the absence of that. I hope to begin discussions on this with the parties shortly.

There is one further possibility to mention in this context. There remains disagreement about possible further rights protections in Northern Ireland. I have agreed with the Lord Chancellor that any specific supplementary rights for Northern Ireland should be implemented in a separate section of any legislation that would give effect to a UK Bill of Rights. However, our forthcoming Bill may provide opportunities to handle this issue differently by, for example, giving the Assembly power to take forward work, or even legislate, in this area.

The timescale for our proposed Bill is quite challenging, so early work may be important, particularly as detailed consultation is planned on certain issues. I hope that early notice of this is therefore helpful.

I am writing in similar terms to the First and deputy First Ministers and to the leaders of the parties in the Executive.



THE RT HON OWEN PATERSON MP
Secretary of State for Northern Ireland



Correspondence to the Secretary of State of Northern Ireland – 27th September 2011



Mr Stephen Moutray
Chairperson
Assembly and Executive Review Committee
Room 375
Parliament Buildings
Ballymiscaw
Stormont Estate
Belfast
BT4 3XX

27 September 2011

The Rt Hon Owen Paterson MP
Secretary of State for Northern Ireland
Northern Ireland Office
Stormont House
Stormont Estate
Belfast BT4 3SH

Dear

The Assembly and Executive Review Committee met today and discussed your correspondence to the Speaker of 05 September 2011.

The Committee may be in a position to make recommendations in relation to some of the matters which you note could be included in the Bill.

However, before considering these matters further, the Committee would be grateful if you would provide clarification around timescales along with any further information that would assist the Committee at this stage.

Yours Sincerely



Mr Stephen Moutray
Chairman

Correspondence from the Secretary of State of NI 24 October 2011



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Secretary of State for Northern Ireland

Mr Stephen Moutray MLA
Chairman
Assembly and Executive Review Committee
Room 375
Parliament Buildings
Ballymiscaw
Stormont Estate
BELFAST
BT4 3XX

24th October 2011

A. Stephen

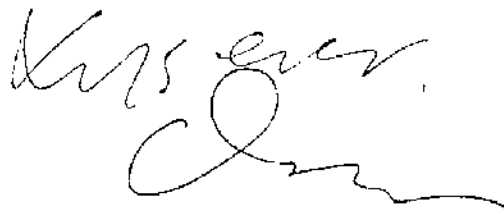
Thank you for your letter of 27 September regarding my correspondence with the Speaker and NI party leaders alerting them to the possibility of a third session Northern Ireland Bill.

I welcome the Committee's interest and that it may be able to make recommendations on some of the matters that may be included in the Bill. I believe the Committee's views would be particularly useful in respect of the future size of the Assembly, the length of Assembly terms and ending double jobbing.

As you will appreciate, these issues will be of interest to the wider public and I would hope to take soundings from various interested groups and individuals before reaching a final decision on how to address these issues. It is also likely that pre-legislative scrutiny (PLS) will need to be undertaken by the Northern Ireland Affairs Committee in advance of the Bill's planned introduction in 2013.

I would hope that detailed discussion and consultation can take place over next summer which will allow for PLS in late 2012/early 2013. I believe it would be very useful for such discussion and consultation to be informed by the views of the Committee and any recommendations would therefore need to be published by end June 2012 to allow for this.

I would be happy to meet to discuss this further if it would be helpful.

A handwritten signature in black ink, appearing to read 'Kris ever.' followed by a large, stylized flourish.

RT HON OWEN PATERSON MP
SECRETARY OF STATE FOR NORTHERN IRELAND

Correspondence to First Minister and deputy First Minister – 19 January 2012



First Minister and deputy First Minister
Room G50
Stormont Castle
Stormont Estate
Belfast
BT4 3WT

Date 19 January 2012

Dear First and deputy First Minister

ASSEMBLY AND EXECUTIVE REVIEW COMMITTEE

At Tuesday's meeting of the Committee, it was agreed to carry out some work on the Committee's immediate review of the operation of provisions of Parts III and IV of the Northern Ireland Act in the context of reviewing the size of the Assembly and the number of Northern Ireland departments.

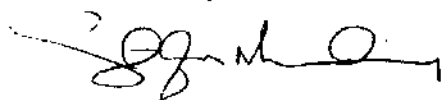
Before we draw up our terms of reference and work plan on this to June 2012, the Committee agreed that I write to you on the subject of the number of Northern Ireland departments to seek clarification what work is planned for 2012 by OFMDFM/ the Efficiency Review Panel regarding post-2015 structures of Government. The Committee noted the key commitment in the Draft Programme for Government to 'Agree any changes to post-2015 structures of Government in 2012 (OFMDFM)'. I also note point 5 of yesterday's OFMDFM News Release on your agreement to "Make an early start to the '2012 review' provided for in the draft Programme for Government".

It would be useful to have your response on this by 26th January 2012 please, so that it can be considered at the Committee's meeting of 31st January 2012.

If you consider that it would be helpful for us to meet on this, please let me know.

I have copied this letter to the Chairperson of the Committee for OFMDFM for information.

Yours sincerely



Stephen Moutray
Chairperson

Correspondence from First Minister and deputy First Minister – 27 February 2012



Stormont Castle
BELFAST
BT4 3TT

TEL: 028 9037 8158
FAX: 028 9037 8040
e-mail: ps.ministers@ofmdfmi.gov.uk

Stephen Moutray MLA
Chairperson
Assembly and Executive Review Committee
Room 375, Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

Our Ref: COR/30/12

27 February 2012

ASSEMBLY AND EXECUTIVE REVIEW COMMITTEE

Thank you for your letter of 19 January, which updated us on the initiation of work by your Committee on its review of the operation of Parts 3 and 4 of the Northern Ireland Act.

As you are aware, there is considerable potential for overlap between this review and our own commitment, in the draft Programme for Government and in our statement of 17 January, to progress decision-taking on post-2015 Government structures in 2012. We touched on aspects of this when we met on 27 September 2011. That meeting proved useful in moving forward the review of justice arrangements.

We think it would be worthwhile to take up your offer of a meeting, which could include ourselves, yourself and the Deputy Chairperson of AERC.

Our officials will be in contact to arrange a meeting.

We are copying this reply, for information, to the Chairperson of the Committee for OFMDFM.

Yours sincerely

RT HON PETER D ROBINSON MLA
First Minister

MARTIN McGUINNESS MP MLA
deputy First Minister



Correspondence from Education Committee

1 March 2012

Committee for Education
Room 241
Parliament Buildings
Tel: +44 (0)28 9052 21821
Fax: +44 (0)28 9052 1371

To: John Simmons
Clerk to the Committee for the Assembly and Executive Review

From: Roisin Fleetham
Clerk to the Committee for Education

Date: 1 March 2012

Ref: 020/12/02

Subject: Department for Children and Young People

At its meeting of 29 February 2012, the Committee for Education received a briefing from the Early Years Strategic Alliance regarding their Manifesto.

Members discussed the issue with them of a Department of Children and Young People which would deliver all services to this demographic that are currently undertaken by several departments, and agreed to write and ask the Committee for The Assembly and Executive Review if they have given any consideration to such a Department in their Review of Public Administration.

Regards,

Roisin Fleetham
Committee Clerk

Correspondence to Education Committee

13 March 2012

Assembly and Executive Review Committee

Room 242

Parliament Buildings

Tel: 028 9052 1787

E-mail: john.simmons@niassembly.gov.uk

From: John Simmons
Clerk to Assembly and Executive Review Committee

Date: 13th March 2012

To: Roisin Fleetham
Clerk to the Committee for Education

Subject: Review of Parts III and IV of the Northern Ireland Act in the context of the Size of the NI Assembly and Number of NI Departments

1. Thank you for your correspondence dated 1st March 2012 regarding the Assembly and Executive Committee's Review of Parts III and IV of the Northern Ireland Act in the context of the Size of the NI Assembly and Number of NI Departments. The Committee considered it at its meeting of 13th March 2012.
2. Members agreed that I reply to advise you that the Committee is still considering written/oral evidence on the Review and has yet to reach a view on the matter of the size of the Assembly or the number of NI departments.
3. As you may be aware, the Committee will produce two reports on this Review – one in relation to its consideration of the size of the Assembly and another in relation to the number of NI departments. Regarding the Committee for Education's point regarding consideration of a Department of Children and Young People, the latter report may be the most relevant. It is expected that AERC will report on this issue in October 2012.

Yours sincerely

John Simmons

Clerk to Assembly and Executive Review Committee

Correspondence from Northern Ireland Public Service Alliance – 6 March 2012

YOUR REF

OUR REF

nipsa

The Leading Public Service Union

Brian Campfield General Secretary

Mr John Simmons
Committee Clerk
Room 242
Parliament Buildings
Stormont
BELFAST
BT4 3XX

06 March 2012

Dear Mr Simmons

REVIEW OF THE SIZE OF THE ASSEMBLY AND NUMBER OF GOVERNMENT DEPARTMENTS

NIPSA is the largest public sector trade union in Northern Ireland with over 46,000 members. In addition we have a vibrant and successful local Trade Union Side at the Assembly. It has come as a considerable surprise, therefore, that in the formal **Review of the size of the Assembly and number of Government Departments**, NIPSA has not been listed among the 87 listed stakeholders or stated explicitly as such in the "Call for Evidence" paper.

We wish to see this rectified. Similarly, as an organisation representing 250,000 employees in Northern Ireland alone, it might have been expected that the Irish Congress of Trade Unions (ICTU), given its key role in civic society, would have been listed as a key stakeholder in this exercise. We will therefore also be raising this matter through Northern Ireland Committee of ICTU.

Yours sincerely



NOEL GRIFFIN
Assistant Secretary

Ng06031e

Correspondence to NIPSA – 13 March 2012

12/03/2012 (Sent in Assembly folder)



Northern Ireland
Assembly

Noel Griffin
Assistant Secretary
NIPSA
Harkin House
54 Wellington Park
Belfast
BT9 6DP

13th March 2012

Dear Noel,

Thank you for your correspondence dated 6th March 2012 regarding the Assembly and Executive Review Committee's Review of Parts III and IV of the Northern Ireland Act 1998 in terms of the Size of the Assembly and the Number of NI Departments. The Committee considered your letter at its meeting of 13th March 2012 and agreed that I respond on the Committee's behalf as follows.

The Committee noted your reference to its list of stakeholders to which the Committee wrote directly inviting a response to this Review through its 'Call for Evidence' paper. This key stakeholder list is primarily the political parties registered in Northern Ireland and the 26 Local Councils who may wish to respond from a RPA perspective. Unfortunately, the Committee was unable to include all relevant stakeholders in this list, as it opted for a wider signposting advertisement call for evidence approach as set out below. However, the Committee recognises that NIPSA is a key social partner in its Review.

The Committee would draw your attention to its decision to use a signposting advertisement in the three daily papers on 17th February 2012 in order to attract a wider public sector and public response to its 'Call for Evidence'. This directed interested parties to a dedicated webpage on the Committee's website with the Terms of Reference for the Review, as well as the 'Call for Evidence' paper. Any organisation/individual can therefore refer to these documents and respond to the Review. The Committee would welcome a response from NIPSA to its Review.

I trust that this information is helpful.

Yours sincerely,

John Simmons
Committee Clerk
Assembly and Executive Review Committee

Assembly and Executive Review Committee
Room 375, Parliament Buildings, Ballymiscaw, Stormont, Belfast BT4 3XX

Telephone: 028 9052 1735 E-mail: committee.assemblyandexecutivereview@niassembly.gov.uk

Correspondence from OFMDFM Committee 8 March 2012

**Committee for the Office of First Minister and
Deputy First Minister**

Room 435
Parliament Buildings

From: Alyn Hicks
Clerk to the Committee for the
Office of the First Minister and Deputy First Minister

Date: 8 March 2012

To: John Simmons
Clerk to the Assembly and Executive Review Committee

Subject: Review of the Size of the Northern Ireland Assembly and Number of Government
Departments

Dear John,

At its meeting of the 7 March 2012, the Committee for the Office of the First Minister and deputy First Minister considered the response from the First Minister and deputy First Minister to the Chairperson of the Assembly and Executive Review Committee (AERC) dated 27 February 2012.

The Committee agreed that it would write to the First and deputy First Minister to request an update following their meeting with the Chairperson and Deputy Chairperson of AERC.

Regards,



Alyn Hicks
Committee Clerk

ICTU Correspondence from Irish Congress of Trade Unions – 9 March 2012



9th March 2012

Mr John Simmons
Committee Clerk
Room 242
Parliament Buildings
Stormont
BELFAST
BT4 3XX

Dear John

Review of the Size of the Assembly and Number of Government Departments

It has come to the attention of NIC-ICTU that a call for evidence from a list of eighty seven stakeholders on the above issue has omitted Congress.

NIC-ICTU is one of the foremost stakeholders in Northern Ireland civic society representing over 200,000 employees including trade unions representative of those who may be affected by this review.

I would request that this organisation be included as a major stakeholder in this review.

Yours sincerely

Peter Bunting
Assistant General Secretary

ICTU
Carlisle House
4-6 Donegall Street Place
Belfast, BT1 2FN
T +44 (0)28 9024 7940
+44 (0)28 9024 6898
info@ictu.org

www.ictu.org

Head Office: Irish Congress of Trade Unions, 32 Parnell Square, Dublin 1 T 353 1 8897777

General Secretary: 01 8897777

Correspondence to ICTU – 13 March 2012

Rec'd 13-3-2012 - (1st Act - 1st day of 2012)



Northern Ireland
Assembly

Peter Bunting
Assistant General Secretary
ICTU
Carlin House
4-6 Donegall Street Place
Belfast
BT1 2FN

13th March 2012

Dear Peter,

Thank you for your correspondence dated 9th March 2012 regarding the Assembly and Executive Review Committee's Review of Parts III and IV of the Northern Ireland Act 1998 in terms of the Size of the Assembly and the Number of NI Departments. The Committee considered your letter at its meeting of 13th March 2012 and agreed that I respond on the Committee's behalf as follows.

The Committee noted your reference to its list of stakeholders to which the Committee wrote directly inviting a response to this Review through its 'Call for Evidence' paper. This key stakeholder list is primarily the political parties registered in Northern Ireland and the 26 Local Councils who may wish to respond from a RPA perspective. Unfortunately, the Committee was unable to include all relevant stakeholders in this list, as it opted for a wider signposting advertisement 'Call for Evidence' approach as set out below. However, the Committee recognises that ICTU is a key social partner in its Review.

The Committee would draw your attention to its decision to use a signposting advertisement in the three daily papers on 17th February 2012 in order to attract a wider public sector and public response to its 'Call for Evidence'. This directed interested parties to a dedicated webpage on the Committee's website with the Terms of Reference for the Review, as well as the 'Call for Evidence' paper. Any organisation/individual can therefore refer to these documents and respond to the Review. The Committee would welcome a response from ICTU to its Review.

I trust that this information is helpful.

Yours sincerely,

John Simmons
Committee Clerk
Assembly and Executive Review Committee

Assembly and Executive Review Committee
Room 375, Parliament Buildings, Ballymiscaw, Stormont, Belfast BT4 3XX

Telephone: 028 9052 1735 E-mail: committee.assemblyandexecutivereview@niassembly.gov.uk

Correspondence from Executive Party Leaders' Group – 2 April 2012

John Simmons
Committee Clerk
Assembly & Executive Review Committee
Room 242,
Parliament Buildings,
Stormont
BT4 3XX

2 April 2012

Dear John

2012 Review of the Institutions

At a meeting of Executive party leaders on 13 March there was a useful discussion on a range of issues relating to the ongoing review of the institutions.

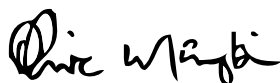
The group was supportive of the work of the Assembly and Executive Review Committee and welcomed the accelerated timescales within which it is aiming to report. As Executive party leaders they wish to contribute positively and so have identified a number of key themes that the Committee might usefully consider within the context of the Review. These are listed below and are confined to those issues relevant to Parts III and IV of the NI Act 1998. These are additional to the individual responses from the parties to the call for evidence.

Key themes

- Number of MLAs
- Constituencies
- Assembly Election date
- Size of the Assembly
- Multiple mandates
- Review of Government Structures
- Role of the Assembly and its Committees as scrutiny mechanism of the Executive
- Provisions for the appointment of Ministers
- Formation of Executive/Creation of formal opposition
- Executive voting arrangements
- Number, organisation and functions of Departments
- Role of OFMDFM

I understand that the First Minister and deputy First Minister are also due to meet with the Chair and vice Chair on 4 April which will provide an opportunity to discuss the issues in more detail.

Yours sincerely



OLIVE MAYBIN
Secretariat
Executive Party Leaders' meetings

Briefing note from Clerk of the Committee on Meeting with FM and dFM – 12 April 2012

Assembly and Executive Review Committee
Room 242
Parliament Buildings
Tel: 028 9052 1787
E-mail: john.simmons@niassembly.gov.uk

From: John Simmons
Clerk to Assembly and Executive Review Committee

Date: 12 April 2012

To: Members of the Assembly and Executive Review Committee

Subject: Chairperson and Deputy Chairperson's meeting with the First Minister and deputy First Minister

Background

1. As Members are aware, the Chairperson and Deputy Chairperson met with the First Minister and deputy First Minister (F/dFM) on Wednesday, 4th April 2012 at Stormont Castle. In attendance were the First Minister and deputy First Minister's special advisors, OFMDFM officials, myself (as Clerk of the Committee) and the Assistant Clerk.

Purpose of the meeting

2. The purpose of the meeting was to ascertain what work is planned for 2012 by OFMDFM and/or the Efficiency Review Panel regarding post-2015 structures of Government and to report back to the Committee.

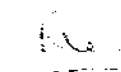
Issues discussed during the meeting

3. The Chairperson initiated the discussion with the question on what work is planned for 2012 by OFMDFM and/or the Efficiency Review Panel regarding post-2015 structures of Government as set out in the Programme for Government.
 - a. The F/dFM recognise the legal requirement on the AERC to make a report to the Secretary of State by no later than 1st May 2015 on the operation of Parts III and IV of the Northern Ireland Act 1998. They stated that they are both very determined to expedite the matter of post-2015 structures of Government in 2012 in the context of the number of government departments and the size of the Assembly. The F/dFM have been taking this forward by actively meeting with Executive party leaders with the aim to reach agreement on the issue. However, full engagement by all Executive party leaders is desirable. Both the F/dFM stressed that the work of the AERC is very useful in this context by exploring options and presenting views, but consider that in the end, it is a political matter for the party leaders of the Executive to negotiate and agree the way forward.
 - b. In relation to this matter, the Committee office received a letter dated 2nd April 2012 regarding the '2012 Review of the Institutions' from the Executive Party Leaders' Group, which identified a number of key themes, which the AERC might usefully consider within the context of its Review [Appendix 5]. Many of the key themes listed

are included in the Committee's Call for Evidence and Terms of Reference of its current Review. The Committee may wish to consider the themes not included in the Review in future Reviews.

- c. The F/dFM briefly referred to the letter (and the key themes listed therein) during the meeting and acknowledged that some of the themes are inappropriate for inclusion or it is too late to consider them in the current AERC Review. They also stated that there is a possibility that they may undertake some work on some of the themes that the current AERC Review is not addressing.
4. The Chairperson then asked if the F/dFM had any general views to share with the Committee on the size of the Assembly (post-2015 election) and the number of NI departments.
 - a. The F/dFM both acknowledged that a smaller Assembly is inevitable when the Parliamentary Voting and Constituencies Act 2011 comes into effect. The First Minister also highlighted the on-going work to abolish the Department of Employment and Learning.
 - b. The deputy First Minister reiterated the view that F/dFM want to engage with party leaders on this matter and are eager to expedite their work on this in 2012.
 - c. The deputy First Minister raised the issue of the option of new Assembly constituency boundaries and enquired if there has been any views regarding potential confusion for voters if boundaries were re-drawn. He was informed that the Committee has yet to consider this issue and will be considering the written submissions received to date at the next AERC meeting.
5. Finally, the Chairperson asked the F/dFM if they would be inclined to accept an invitation from the Committee to provide oral evidence on its Review.
 - a. The F/dFM agreed that it would perhaps be more appropriate to invite Executive party leaders to provide oral evidence on the Review.

Correspondence from Director General of the NI Assembly – 9 May 2012



Northern Ireland
Assembly

Clerk to the Assembly/Director General
Parliament Buildings, Ballymiscaw, Stormont

Belfast BT4 3XX

Tel +44 (0)28 9052 1199

Fax +44 (0)28 9052 1960

email

Stephen Moutray MLA
Chairperson
Assembly & Executive Review Committee
Room 375 Parliament Buildings
Stormont
Belfast
BT4 3XX

9 May 2012

Dear Stephen

Re: Committee stage of Bills: power to amend legislation

I refer to your letter of 22nd March 2012 seeking information on the power to amend legislation during the committee stage of Bills

Further to your letter I enclose a research paper on the 'Committee Stages of Bills' provided by RalSe. The paper compares the committee stages of the legislative process in the devolved legislatures, House of Commons and Dáil Éireann and I hope you will find it useful.

The second part of your letter requested advice on reform of the Committee stage within the context of the Northern Ireland Assembly

Potential benefits

Allowing Committees to make amendments to a Bill has been raised as a means of potentially increasing the effectiveness of legislative scrutiny by, for example:

- a. reducing duplication of debate on uncontested matters between Committee Stage and Consideration Stage / Further Consideration Stage;
- b. allowing plenary amending stages to focus on the outstanding issues on which the Committee was not able to come to agreement or which were agreed by the Committee and opposed by the Minister;

- c. harnessing the expertise of the Committee in its subject area and allowing Committees to complete their deliberations more fully by means of deciding on proposed amendments; and
- d. enhancing the status of committees in the context of the growing experience of the institutions and the norms in other parliaments on these islands.

Implications and issues for consideration

While clearly then, there are several arguments in favour of exploring such reform, an initiative of this magnitude raises a range of issues which would, I suggest, benefit from further consideration. These issues would include:

- *Political/constitutional implications*
e.g. voting and community safeguards (petition of concern)
- *Procedural implications*
e.g. voting, quorum, order of proceedings and tabling of amendments
- *Resource implications*
e.g. financial (cost of printing and publishing additional bill documentation), committee time, plenary time and staff support

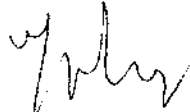
The Committee may also wish to consider the context for potential changes to the Committee Stage and how such changes would fit with potential institutional reform, including the potential for the committee system to be reviewed.

Options for discussion

Given the implications of this proposal and the context of institutional reform in which it is being raised, the Committee will wish to consider its options in taking forward this matter. It is suggested that the proposal could be addressed as part of a wider review of Committees, given the nature and extent of the implications referred to above.

I am happy to discuss this further or provide additional advice at the Committee's request.

Yours sincerely



TREVOR REANEY
Clerk to the Assembly/Director General

Correspondence to the Chairpersons' Liaison Group (CLG) – 15 May 2012

Assembly and Executive Review Committee
Room 375,
Parliament Buildings,
Ballymiscaw,
Stormont,
Belfast
BT4 3XX

Telephone: 028 9052 1735

E-mail: committee.assemblyandexecutivereview@niassembly.gov.uk

Mr Jimmy Spratt MLA
Chairperson
Chairpersons' Liaison Group
Northern Ireland Assembly
Parliament Buildings
Room 254
Balliniscaw
Stormont
Belfast
BT4 3XX

15th May 2012

Dear Jimmy

I note that, at the Chairpersons' Liaison Group (CLG) meeting on 17th April 2012, Members considered information relating to the Assembly and Executive Review Committee's Review of the Size of the Northern Ireland Assembly and Number of Government Departments.

As you are aware, the Review takes into consideration issues that relate to overall effectiveness of the NI Assembly in the context of a reduced number of MLAs, including the effectiveness of the NI Assembly committee system. AERC has discussed some issues in this regard, and there have been various opinions and views expressed, which include:

- That, with a reduction in the number of MLAs and possibly alongside this, a reduction in the number of Government departments, a fundamental review of the current committee system must be undertaken;
- There are linkages between the number of committees, the overall effectiveness of the committee system, the number of MLAs and the number of Government departments. Therefore, it may be prudent to consider these issues when undertaking such a review.
- The possibility of establishing a committee system that includes thematic committees (rather than the current statutory committee system that aligns with NI departments), including a central budget committee, may warrant consideration;
- The practice of scheduling plenary business alongside committee business (meetings) may merit review – possibly gaining effectiveness by scheduling of plenary and committee work;
- The merits of formalising CLG through statute and/or through Standing Orders; and
- The potential to increase the effectiveness of legislative scrutiny in the Assembly by allowing Statutory Committees to make amendment, to a Bill.

On the final bullet point above, I attach for your information a letter of 9th May 2012 from Trevor Reaney, the Clerk to the Assembly/Director General. This very usefully identifies some potential benefits of allowing Statutory Committees to make amendments to a Bill and suggests a range of issues which would merit further consideration in taking forward such a reform. The letter also refers to an Assembly Research Paper entitled 'Committee Stages of Bills', which is also attached for your information.

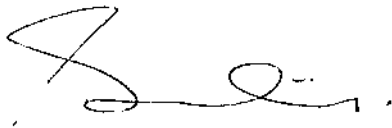
Before reaching any conclusion on the above issues, the Committee agreed that it may be useful to request and consider CLG's views on these matters.

The Committee is scheduled to report to the Assembly on its Review in terms of the number of MLAs in the early part of June 2012; therefore I would appreciate CLG's views, if possible, by **Monday, 29th May 2012**.

If you would like to discuss anything in relation this request, please do not hesitate to contact me or the Committee Clerk, John Simmons at the details listed below.

I look forward to your reply.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Moutray', with a stylized flourish at the end.

Stephen Moutray MLA

Chairperson

Assembly and Executive Review Committee

Correspondence from Chairpersons' Liaison Group 22 May 2012



Jimmy Spratt MLA
Chairperson, Chairpersons' Liaison Group

Stephen Moutray
Chairperson
Assembly and Executive Review Committee
Room 375
Parliament Buildings

22nd May 2012

Dear Stephen,

At the meeting of the Chairpersons' Liaison Group (CLG) on 15th May, Members considered your correspondence of 15th May in relation to the AERC Review of the Size of the Northern Ireland Assembly and Number of Government Departments. CLG noted the various opinions and views that have been expressed in relation to the effectiveness of the Assembly committee system, in the context of a reduced number of MLAs.

Whilst there is insufficient time available at this stage for CLG to give detailed consideration to each of these issues, members nonetheless recognised their importance and potential significance, particularly in the light of any change to the size of the Assembly.

Members therefore agreed that if there is a change in the number of MLAs, and possibly also departments, a fundamental review of the committee system should be undertaken and that such a review should address all of the issues set out in your correspondence. CLG would wish to be involved in any such review.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Spratt'.

Jimmy Spratt

Chairperson, Chairpersons' Liaison Group.

Chairpersons' Liaison Group
Room 264, Parliament Buildings, Ballymiskaw, Stormont, Belfast, BT4 3XX
Telephone: (028) 9052 0333
E-mail: paul.gill@niassembly.gov.uk

Correspondence from Chairperson to Members 17 May 2012

To: Members of the Assembly and Executive Review Committee

From: Stephen Moutray, Chairperson

17th May 2012

Dear Members

You will recall that, at the Assembly and Executive Review Committee meeting on 15th May 2012, Members again discussed, in closed session, the Committee's Review of the Size of the Assembly.

During this consideration, some Members raised the point that the fundamental issue of what was the appropriate number of MLAs in order to maintain an effective Assembly should be addressed firstly, and then the issue of decoupling could be effectively addressed. There was consensus that Committee Members should convey this issue to their respective Political Parties in order to determine:

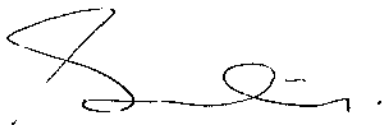
- a. Whether your Party agrees in principle that a reduced number of MLAs is required;
- b. Whether your Party is more comfortable to provide a range for the appropriate reduced number of MLAs (e.g. 72-96 MLAs); if so, what is the range; and
- c. Whether your Party is more comfortable to provide a specific number for the appropriate reduced number of MLAs; if so, what is the number.

I would be grateful if Members discuss the above points with their respective Political Parties and come prepared to present your Party's views at the next AERC meeting of **Tuesday, 29th May 2012**.

I will also remind Members that the Committee also agreed to consider an initial first draft of the Report on its Review of the size of the Assembly at the meeting of 29th May 2012.

If you would like to discuss anything in relation this request, please do not hesitate to contact the Committee Clerk, John Simmons at the details listed below.

Yours sincerely,



Stephen Moutray MLA

Chairperson

Assembly and Executive Review Committee



Northern Ireland
Assembly

Appendix 6

Research Papers relating to the Review

Appendix 6 – Assembly Research Papers

1. The Size of the Assembly and Number of Government Departments
(including Efficiency Review Panel)
28th September 2010
2. Parliamentary Voting System and Constituencies Bill
2nd November 2010
3. Parliamentary Voting System and Constituencies Act 2011
8th March 2011
4. Update Paper on the Size of Assembly
19th October 2011
5. Size of the Northern Ireland Assembly
10th November 2011
6. Electoral Systems for the Scottish Parliament and National Assembly for Wales
7th December 2011
7. Further Information relating to the Structure of the Northern Ireland Assembly
7th December 2011
8. Scheduling Parliamentary Time
12th April 2012
9. Committee Stages of Bills
23rd April 2012
10. Further information on plenary and committee business in the
NI Assembly and other legislatures
3rd May 2012
11. Electoral Constituencies
3rd May 2012
12. Electoral Constituencies - Further information on Decoupling in Scotland
14th May 2012



Northern Ireland
Assembly

Research and Information Service Briefing Note

28 September 2010

Author: Ray McCaffrey

The size of the Assembly and number of government departments (includes Efficiency Review Panel)

1 Background

This briefing note highlights key issues and developments relating to the number of MLAs in the Assembly, number of government departments and the relevant legislation. It also provides a brief description of the current arrangements in Scotland and Wales and gives an overview of proposals to reduce the number of Parliamentary constituencies, which will impact on the number of Assembly seats.

A potential reduction in the numbers of MLAs and government departments was considered by the Committee on the Preparation for Government which met between June and October 2006. As part of its remit, the Committee considered each element of the institutions arising from the Belfast/Good Friday Agreement. Its report, 'Report on Institutional Issues', was published in September 2006. Furthermore, the Assembly has come under increased scrutiny following the Westminster expenses scandal, particularly from sections of the Northern Ireland press.

2 The size of the Assembly

Section 33 of the Northern Ireland Act 1998 states that six members shall be returned from each of the parliamentary constituencies in Northern Ireland. A 108 member Assembly is more than twice the size of the old Northern Ireland house of commons and 30 more than the 1974 Assembly¹. The 1995 Framework Documents envisaged about 90 members being returned to a local Assembly, equating to five-seat constituencies. Senator George Mitchell and his co-chairmen who chaired the talks that led to the Belfast Agreement recommended increasing the number of seats per constituency from five to six or having a top-up of 10 to 20 seats. The intention behind this was to provide greater opportunities for smaller parties to be represented².

In 2006 Committee on the Preparation for Government "agreed that the number of MLAs should be reduced and that this matter should be subject to mechanism/Institutional review"³. During the discussions, some of the reasons put forward for this included:

- 108 members was too many in light of the RPA recommendations to enhance the role of councils
- The number of MLAs was unwieldy compared to the size of Northern Ireland's population
- Concerns about the high number of elected representatives in Northern Ireland⁴

Speaking in September 2009, the First Minister said that reducing the number of departments and number of MLAs could save millions of pounds. He went on to say that the public would question why cuts to front line services were being made while the political bureaucracy remained intact⁵.

Comparison with Scotland and Wales

In terms of population, the number of MLAs is disproportionately higher when compared to the number of elected representatives in the National Assembly for Wales and the Scottish Parliament. In response to an Assembly question asked in June 2010 regarding the number of Assembly members, the Office of the First and deputy First Minister gave the following response:

1 Austen Morgan The Belfast Agreement: a practical legal analysis, Belfast Press 2000

2 As above

3 Committee on the Preparation for Government, 'Report on Institutional Issues', September 2006

4 As above

5 'Robinson plans cull in department numbers', The Irish News 18 September 2009

In terms of numerical comparison, the people of Northern Ireland have, per capita, more MLAs than their counterparts in Scotland and Wales in respect of their equivalent institutions. Scotland, for example, with a population of just over 5 million, elects 129 members to the Scottish Parliament which, if translated to Northern Ireland, would suggest that the Assembly should have around 43 rather than 108 members. Using the Welsh example, the equivalent figure would be 35. Clearly, however, any future consideration of the optimum size of the Northern Ireland Assembly would require consideration of a wide range of issues other than numerical comparisons of this nature. However, the United Kingdom Government has announced its intention to bring forward legislation to provide for a reduction in the number of seats in the House of Commons and more equally sized parliamentary constituencies; and that the Boundary Commission will be empowered to draw up the new constituencies during the current Parliament...any reduction in the number of these constituencies would have a direct impact on the future size of the Assembly⁶.

The cost of the Northern Ireland Assembly compared to the Scottish Parliament and the National Assembly for Wales

The following table compares salaries and other costs of elected representatives in Northern Ireland, Scotland and Wales. The figures for Northern Ireland and Wales are based on accounts for 2009-10 and the figures for Scotland are based on 2008-09.

Table 1: Costs relating to elected representatives in the Northern Ireland Assembly, Scottish Parliament and National Assembly for Wales

	Northern Ireland Assembly¹	Scottish Parliament²	National Assembly for Wales³
Salaries (£m)	6.9	10.4	6.1
Other costs (£m)	9	10.5	7.1
Total (£m)	15.9	20.9	13.2

1 Northern Ireland Assembly Resource Accounts year ending 31 March 2010

2 Scottish Parliamentary Corporate Body Annual Accounts 2008-09

3 National Assembly for Wales Annual Report and Statement of Accounts 2009-10

It should be noted that the statements of accounts do not provide the exact same information under 'Other costs'. For example, the Northern Ireland Assembly lists £784,000 for 'Party Allowances' under other costs, which is not included in either the Scottish or Welsh accounts.

The Parliamentary Voting and Constituencies Bill

On 22 July 2010 the coalition government at Westminster introduced a Bill providing for a referendum on the voting system to be used at future Parliamentary elections and a reduction in the number of Parliamentary constituencies to 600. If passed, the legislation will require the four Boundary Commissions in the UK to review the existing arrangements and submit their reports before 1 October 2013. The Bill does not allow for a separate determination of Assembly and Westminster constituencies, so any changes to the number of constituencies in Northern Ireland will automatically impact on the number of MLAs returned to the Assembly. The Bill contains technical arrangements to allow for more variation around the number of electors per constituency, given the relatively small the size of Northern Ireland.

During a debate on a Westminster Private Member's Bill introduced in 2006-07 (Parliamentary Constituencies Bill (Amendment) Bill), it was speculated by Lord Baker of Dorking⁷ that Northern

6 Assembly question asked on 10/6/10

7 HL Deb 18 May 2007 vol.692 c399

Ireland would emerge with 15 Parliamentary constituencies following any future review. This would translate to 90 MLAs.

Scotland and Wales

In 2001 the Scotland Office launched a consultation on the size of the Scottish Parliament. The consultation was a result of a provision contained in the Scotland Act 1998 that any reduction in the number of Scottish constituencies at Westminster would automatically reduce the number of MSPs. In 2002 the Boundary Commission for Scotland published provisional recommendations that would have reduced the number of Scottish Westminster constituencies from 72 to 59. As a consequence, the number of MSPs would have been cut from 129 to 104. During the passage of the Scotland Act 1998, the Government gave a commitment that it would listen to any concerns individuals or organisations may have had about a reduction in the number of MSPs. In a statement on the consultation to the House of Commons, the then Secretary of State for Scotland commented:

Two strands emerge from the consultation. First, there is the need for stability. Among the civic and representative bodies that responded, the overwhelming view was that the Scottish Parliament should continue to operate with the present number of MSPs. The argument was put that a reduction would cause difficulties, especially to the Committee system, and that it would be unwise to destabilise the Parliament so early in its life by reducing its numbers. The respondents stated that a reduction would adversely affect the Parliament's scrutiny of legislation and the Executive's capacity to conduct inquiries or initiate legislation. They claimed that any reduction in the numbers of list MSPs would reduce proportionality and that the current structure should be maintained to give a proper balance of representation. Secondly, it was acknowledged, not least by electoral administrators, that difficulties could arise if the boundaries for Westminster and Holyrood were not coterminous. Confusion could be caused to voters and there would be problems for political parties in relation to their organisation⁸.

With regards to the potential impact on the Committee system, respondents to the consultation had raised the issue that “even given the present number of MSPs, they were under strain to scrutinise, research and legislate”⁹. The Scottish Parliament (Constituencies) Act 2004 removed the link between constituencies for the Scottish Parliament and those for Westminster, meaning that the reduction in Scottish Westminster constituencies to 59 did not affect Scottish Parliament constituencies. A similar decoupling between Westminster and Assembly seats in Northern Ireland would require a change to Section 33 of the Northern Ireland Act 1998.

Furthermore, the findings of the Calman Commission, which was set up to review the workings of Scottish Devolution, reported in 2009 that “although (the Commission) received some representations...suggesting that there are too many MSPs, we have not seen anything to convince us of a case for change”¹⁰.

The Commission on the Powers and Electoral Arrangements of the National Assembly for Wales (the Richard Commission) was appointed in July 2002. Its job was to examine the powers and electoral arrangements of the Assembly and to produce an independent report. One of its recommendations was that the Assembly should receive enhanced law-making powers and that the number of Assembly Members should therefore be increased from 60 to 80 to deal with the anticipated increase in workload. In the event, the Assembly did receive enhanced powers but there was no concurrent increase in the number of AMs.

8 Hansard 18 December 2002 c859-60

9 Responses to the ‘size of the Scottish Parliament – a consultation’, Scotland Office 1 December 2002

10 Serving Scotland Better: Scotland and the United Kingdom in the 21st Century, Commission on Scottish Devolution, final report, June 2009

The Additional Member System (AMS)

Both Scotland and Wales use the Additional Member System to elect their respective institutions. AMS gives voters two votes – one is to elect regional members, the other is for a constituency MSP/AM. The system is designed to ensure that, as far as possible, the share of MSPs/AMs in reflects the share of votes cast for each party.

Table 2: Regional and constituency members in the Scottish Parliament and National Assembly for Wales

	Scottish Parliament	National Assembly for Wales
Number of regional members	56 (8 regions)	20 (5 regions)
Number of constituency members	73	40
Total	129	60

The reviews of devolution and the devolved institutions in Scotland (the Calman Commission) and Wales (the Richard Commission) examined the AMS system. Some of the perceived advantages and disadvantages were similar. AMS was credited as being more proportional than First Past The Post. However, in both Scotland and Wales there was criticism that AMS created two types of member the single constituency member and the regional member who is one of four representatives covering the region which includes the constituency. The Calman report pointed out that regional MSPs were seen as having less legitimacy and could cherry-pick popular issues without having to carry the burden of constituency work¹¹.

Reducing the number of MLAs – issues to consider

The argument that reducing the number of MLAs would be a good idea is a popular and easy argument to make, especially in terms of the number of MLAs in relation to population size. However, less consideration has been given to the implications a reduction would have on the work of the Assembly. Some of the issues that might potentially arise can be found in responses to the 2001 Scotland Office consultation on the size of the Scottish Parliament, which reflect a number of concerns about a potential reduction in the number of MSPs:

- A smaller Parliament would mean less MSP time available to carry out the busy schedule currently undertaken by MSPs
- MSPs discharge a variety of functions, including constituency business, plenary business in the Chamber, membership of the Parliament's Committees and other commitments such as cross-party groups. The Scottish Parliament being unicameral - with only a single Chamber - meant that the role of MSPs, and in particular the Committees, was crucial in scrutinising and improving the quality of legislation. A reduction in numbers would undermine the ability of MSPs to discharge these various roles effectively¹².

Consideration would also need to be given to the impact a reduction in the number of MLAs would have on the ability of smaller parties to secure representation. However, it could be argued that smaller parties have fared less successfully since the election of the first Assembly in 1998.

3 Number of government departments

Section 17(4) of the Northern Ireland Act 1998 allows for up to 10 Ministers with Departmental responsibilities, although this can be amended. For example, the Northern Ireland Act 1998

¹¹ 'Serving Scotland Better: Scotland and the United Kingdom in the 21st Century', June 2009

¹² Scotland Office, 'Responses to the 'Size of the Scottish Parliament – a consultation', December 2002

(Amendment of Schedule 3) Order 2010 allowed for the transfer of policing and justice functions. Under section 21(3) of the 1998 Act a department under the First and deputy First Minister is not included in the 'up to 10 Ministers' figure. The current number of government departments was arrived at following inter-party negotiations, primarily between the UUP and SDLP, which were concluded on 18 December 1998¹³. The Departments (Northern Ireland) Order 1999 established new Northern Ireland Departments and renamed some existing departments. The six departments at the time of the Belfast Agreement were agriculture, economic development, environment (Northern Ireland), education, health and social services, finance and personnel.

The Report on Institutional Issues emanating from the Committee on the Preparation for Government agreed that there was a need to re-examine the number of departments to ensure effectiveness and value for money, although it also recognised the benefit of the current arrangement which enabled some issues to receive greater focus that might not otherwise have been possible with a smaller number of larger departments.

Scotland

The Scotland Act 1998 allows for a First Minister who may appoint Ministers following the approval of the Monarch. Following devolution, there were initially 22 Scottish Ministers (of whom eleven were in the Cabinet). However, when the SNP was returned to power in 2007 it sought to reduce the weight of departmentalism and cut the number of Cabinet Ministers to six to provide greater cohesion and strategic direction, with 10 other Ministers below them. The SNP also abolished the old departments and replaced them with directors general in charge of directorates. The directors general have policy responsibilities for specific fields but also a cross-cutting remit in relation to key Government objectives. They are answerable directly to Ministers¹⁴.

Wales

The provisions of the Government of Wales Act 2006 allow up to 12 Welsh Ministers and Deputy Ministers. The Welsh Assembly Government's Departments are arranged under seven Director Generals. Director Generals are members of the Senior Civil Service and are responsible for ensuring joined-up working across Welsh Assembly Government Departments.

4 The Efficiency Review Panel

The St. Andrew's Agreement allowed for the establishment of an Efficiency Review Panel to examine the workings of the Assembly. The Agreement stated that:

The First Minister and Deputy First Minister would appoint an Efficiency Review Panel, to examine efficiency and value for money of aspects of the Strand One institutions. The FM/DFM would put to the Assembly for approval proposals for the panel's remit, which might include the size of the Assembly and the departmental structure. The Panel would take into account as appropriate the work of the Review of Public Administration. The Panel's report would be considered by the Executive and Assembly, and, where agreed changes required legislative steps outside the scope of the devolved institutions, by the British Government in consultation as appropriate with the Irish Government¹⁵.

13 Statement from the Office of First Minister (Designate) and deputy First Minister (Designate) 18 December 1998

14 Michael Keating, *The Government of Scotland: public policy making after devolution* (2nd edition), Edinburgh University Press 2010

15 St. Andrew's Agreement, October 2006, www.nio.gov.uk/st_andrews_agreement.pdf

On 9 April 2009 OFMDFM released a statement saying that after Easter of that year it was their intention to bring forward proposals for the creation of an Efficiency Review Panel for approval. It went on to say that the Panel would report later in 2009.

The announcement by OFMDFM on the creation of the Efficiency Review Panel was reported in the press as being likely to lead to a reduction in the number of government departments¹⁶. Furthermore, the Programme for Government 2008-11 promised to review the overall number of Government Departments by 2011.

A number of Assembly questions have been put to OFMDFM on progress in appointing the Efficiency Review Panel and/or its work. In answer to the last question asked on 2 June 2009, OFMDFM repeated that it intended to put forward proposals soon on the creation of the Panel and still expected it to report later in 2009. However, to date the Efficiency Review Panel has not been established. The latest communication from OFMDFM states that “membership, terms of reference and work programme are under consideration”¹⁷.

Efficiency savings in the Republic of Ireland – An Bord Snip Nua

In 2008, the Government in the Republic of Ireland appointed the Special Group on Public Service Numbers and Expenditure Programmes in the Republic of Ireland (commonly known as An Bord Snip Nua) to identify and recommend cuts in public spending. Its report was published in July 2009 and identified savings of approximately €5b across government departments. It further recommended the closure of the Department of Community, Rural and Gaeltacht Affairs, stated that the need for a Department of Arts, Sports & Tourism should be ‘critically examined’. The report was met with substantial criticism from trade union and other representative groups. However, the Taoiseach said that no area could be immune from cuts¹⁸.

16 ‘Stormont Downsize Proposal Mooted’, News Letter 9 April 2009

17 E-mail from OFMDFM 17 August 2010

18 The Irish Times, Cowen: ‘No ‘Bord Snip’ cuts ruled out’, 17 July 2009



Northern Ireland
Assembly

Research and Information Service Briefing Paper

2nd November 2010

Ray McCaffrey

Parliamentary Voting System and Constituencies Bill

NIAR 539-10

1 Introduction

This briefing paper looks at key aspects of the Parliamentary Voting System and Constituencies Bill (PVSC Bill) currently before Parliament. In particular, it addresses:

- the timetable for the legislation
- the views of the Political and Constitutional Reform Committee in the House of Commons
- combined elections on 5 May 2011

2 Background

The PVSC Bill is a political compromise resulting from post-election negotiations between the Conservative Party and the Liberal Democrats which led to the formation of the current coalition government. It gave effect to the commitment contained in the coalition's programme for government, which set out the new Government's intention to "bring forward a Referendum Bill on electoral reform, which includes provision for the introduction of the Alternative Vote in the event of a positive result in the referendum, as well as for the creation of fewer and more equal sized constituencies"¹.

In summary, the Bill provides for a referendum to be held on 5 May 2011 on the Parliamentary voting system and seeks to reduce the number of Parliamentary constituencies from 650 to 600. It is anticipated that such a move would mean a reduction in the number of Parliamentary constituencies in Northern Ireland from 18 to 15.

3 Legislative timetable

The Bill was introduced to Parliament on 22 July and received its Second Reading on 6 September. A Programme Motion² was published which allowed for five days in Committee of the Whole House and two days for Report and Third Reading. The Deputy Prime Minister rejected criticism of the use of a Programme Motion during the Bill's Second Reading:

The Programme Motion simply states that there will be five full days of debate on the Floor of the House of Commons...I do not think that that can be construed as a heavy-handed or intrusive approach³.

The Bill had its fifth and final day in Committee on Monday 25 October before moving to Report Stage on 1 November. It had its First Reading in the Lords on 3 November.

The Political and Constitutional Reform Committee

The Political and Constitutional Reform Committee was appointed on 12 July 2010 to "scrutinise the work of the Deputy Prime Minister"⁴, which includes the PVSC Bill. The Committee has been critical of the manner in which the Bill has been handled which, in its view, does not allow for proper scrutiny. Its third report, published on 11 October 2010, stated that:

1 'The Coalition: our programme for Government' http://www.cabinetoffice.gov.uk/media/409088/pfg_coalition.pdf May 2010

2 A Programme Motion sets the timetable for the passage of a Bill through the Commons. They have been criticised as limiting debate and scrutiny.

3 6 September 2010 volume 515 c43

4 HC Deb 7 June 2010, c 137

We regret that (the Bill) is being pushed through Parliament in a manner that limits both legislative and external scrutiny of its impact, and may consequently undermine the Government's intention to restore the public's faith in Parliament⁵.

The report went on to say that:

The current timetable for the referendum is tight. If either House substantially amends the rules for holding the referendum the Government may have to reconsider the timing of the vote or run the risk of serious administrative difficulties which could undermine the outcome...it is always regrettable, and generally leads to poorer legislation, when such an approach to timetabling legislation becomes a characteristic of any Government's political reforms⁶.

The Bill will have its Second Reading in the House of Lords on 15 November, but the PCR Committee has made clear that "it will by no means have completed its passage through Parliament"⁷.

Other key issues highlighted in the Committee's report included:

- the Electoral Commission's view that the risks of holding a referendum together with other elections on 5 May 2011 can be managed if the rules for the referendum are sufficiently clear six months in advance. The report states that the Bill should be before the House of Lords by November, but will by no means have completed its passage through Parliament. If the Bill is significantly amended in either House, the Government should reconsider the timing of the referendum
- the Electoral Commission recommended modifications to the proposed referendum question to make it easier for voters to understand. The Committee would like to see these taken on board or if not, then an explanation given as to why they have been rejected (Annex 2).
- the Bill as currently drafted will require amendment to allow for the combination of polls, meaning amendments so that the referendum and the other elections can use the same facilities
- the Committee wants the Boundary Commissions in England, Scotland and Wales to have the same degree of flexibility as the Boundary Commission for Northern Ireland in determining the number of voters per constituency (this is discussed further in section 3)
- why the public is not being offered a referendum on the reduction in the number of Parliamentary constituencies

4 Reduction and equalisation of constituencies

The Bill proposes a reduction in the number of MPs from 650 to 600 and requires the Boundary Commissions to recommend constituency boundaries that ensure that the electorate of each constituency is no more than 5% more or less than the electoral quota for the UK (the quota is the registered electorate in the UK divided by the number of constituencies). This would mean constituencies of approximately 75,000 electors, although the two Scottish island constituencies of Na h-Eileanan an Iar (the Western Isles) and Orkney and Shetland are to be preserved. The boundary changes would take effect at the time of the next general election.

5 Third report of the Political and Constitutional Reform Committee: 'Parliamentary Voting System and Constituencies Bill', October 2010

6 As above

7 Third report of the Political and Constitutional Reform Committee: 'Parliamentary Voting System Constituencies Bill', October 2010

Under the Parliamentary Constituencies Act 1986 the four Boundary Commissions are required to carry out reviews every eight to 12 years. The Bill would increase the frequency of reviews to every five years, with the first report under the new rules due by 1 October 2013.

Northern Ireland

The Bill contains special provisions for redrawing Parliamentary Constituencies in Northern Ireland. The provisions themselves are complex (see Annex 1) but broadly speaking they allow the Boundary Commission for Northern Ireland to deviate from the upper and lower limits for constituency size to compensate for the smaller electorate in Northern Ireland.

However, during its inquiry on the Bill, the Committee heard from stakeholders who voiced concerns that the restrictions placed on the English, Scottish and Welsh Boundary Commissions would not allow them to take full account of local issues, such as constituencies crossing regional or county boundaries, or encompassing diverse geographical areas. The Committee's report subsequently recommended that all of the Boundary Commissions should have the same degree of flexibility as Northern Ireland.

Furthermore, the Bill contains provisions to decouple the constituencies for elections to the National Assembly for Wales from Westminster, as the new electoral quota is expected to significantly reduce the number of Parliamentary constituencies in Wales, and this would have potentially reduced the number of Assembly seats to 45. No similar provisions exist for Northern Ireland and the number of Northern Ireland Assembly seats will automatically drop to 90 for the purposes of the 2015 Assembly election if the Bill passes and Northern Ireland is reduced to 15 constituencies⁸.

The Secretaries to the Boundary Commissions gave evidence to the Political and Constitutional Reform Committee on 9 September. No significant issues were raised from the Northern Ireland perspective.

4 Combined elections on 5 May 2011

If the PVSC Bill receives Royal Assent, the referendum will take place on the same day as other elections to the Scottish parliament, National Assembly for Wales, Northern Ireland Assembly and local elections in England and Northern Ireland. This means that voters in Northern Ireland will be asked to vote in three separate polls on 5 May 2011. Minister of State Hugo Swire said that this will be more convenient for voters and his officials would work closely with the Electoral Office for Northern Ireland and the Electoral Commission to ensure "the identification and early resolution of any potential problems"⁹.

Some concern¹⁰ had been expressed that the decision to hold a referendum on the same day as devolved elections could lead to voter confusion and showed a lack of regard for elections to the devolved administrations in Scotland, Wales and Northern Ireland. The SNP and Plaid Cymru tabled the following amendment to the Bill:

That this House declines to give a Second Reading to the Parliamentary Voting System and Constituencies Bill because it plans to reduce the number of Members of Parliament in a way that could disproportionately disadvantage Wales and Scotland, does not seek the consent of devolved administrations regarding the date of the referendum, fails to take into account the recommendations of the Gould Report into the 2007 Scottish elections

8 Section 33(1) of the Northern Ireland Act 1998 states that the Members of the Assembly shall be returned for the parliamentary constituencies in Northern Ireland

9 BBC News Online: 'Swire goes ahead with plan for three polls on 5 May', <http://www.bbc.co.uk/news/uk-northern-ireland-11547203> retrieved 20 October 2010

10 BBC News online: 'Scottish government anger at vote reform disrespect' <http://www.bbc.co.uk/news/10484082> retrieved 21 October 2010

by placing the referendum vote on 5 May 2011, the same day as devolved government elections, requiring multiple ballot papers which will further obfuscate the elections in those regions, resulting in possible chaos at polling stations, provides for a referendum on UK-wide voting systems which would dilute interest in the elections of the devolved governments, and fails to include an option to choose a proportionate electoral system¹¹.

Combined elections in Northern Ireland are not new with the UK Parliamentary elections in 2001 and 2005 both combined with local government elections. There is some evidence to suggest that combined elections can lead to increased voter confusion. For example, at the 2005 combined UK Parliamentary/local government elections approximately 20,000 votes were spoiled, compared to just over 6,000 at the 2007 Assembly election. It should be noted that at the previous combined elections in 2001 and 2005, voters had to use two voting systems (first-past-the-post for Westminster and single transferable vote (STV) for the Assembly). The proposed combined election in May 2011 would use STV for both Assembly and local government elections, with voters asked to place an 'X' against their preferred option in the referendum.

¹¹ House of Commons Order of Business 6 September 2010 <http://www.publications.parliament.uk/pa/cm201011/cmagenda/ob100906.htm> retrieved 21 October 2010

Annex 1

The following is taken from the Explanatory Note of the Parliamentary Voting System and Constituencies Bill.

Rule 7 makes provision to compensate for the potential impact of rules 3 and 8 on the average size of constituencies in Northern Ireland. Since the result of rule 3 is that a whole number of constituencies is allocated to each part of the UK (which is done as set out in rule 8), it will almost always be the case that the number of constituencies allocated to a part of the UK is very slightly higher or lower, by a fraction of a constituency, than its purely theoretical entitlement. This may have a consequential effect on the average size of a constituency in Northern Ireland which, because of the smaller electorate in Northern Ireland compared to other parts of the UK, might constrain the ability of the Boundary Commission for Northern Ireland (BCNI) to recommend constituencies within the parity principle in rule 2.

Rule 7 therefore provides that if the difference between the Northern Ireland electorate and the UK electoral quota multiplied by the number of seats in Northern Ireland exceeds one third of the UK electoral quota, and in the opinion of the BCNI it would unreasonably impair their ability to take into account the factors set out in rule 5, or would make the preparation of their report so complex that they would be unable to comply with the deadline for the submission of their report in section 3(2) of the 1986 Act, then the BCNI may propose constituencies that vary from the upper or lower limits imposed by rule 2 by a fixed amount, being the difference between the UK electoral quota and the electorate of Northern Ireland as it exists on the review date divided by the number of seats allocated to Northern Ireland under rules 3 and 8.

Annex 2

Referendum question proposed by the Government and redrafted question proposed by the Electoral Commission.

Question contained in the Bill:

Do you want the United Kingdom to adopt the 'alternative vote' system instead of the current 'first past the post' system for electing Members of Parliament to the House of Commons?

Redrafted question proposed by the Electoral Commission:

At present, the UK uses the 'first past the post' system to elect MPs to the House of Commons. Should the 'alternative vote' system be used instead?



Northern Ireland
Assembly

Research and Information Service
Briefing Paper

8th March 2011

Ray McCaffrey

The Parliamentary Voting
System and Constituencies
Act 2011

NIAR 147-11

1 Introduction

This briefing paper looks at the key provisions relating to Northern Ireland in the Parliamentary Voting System and Constituencies Act (the Act) which received Royal Assent on 16 February 2011. The Act has two key components - it provides for a referendum to be held on 5 May 2011 on the voting system for UK Parliamentary elections and reduces the number of Parliamentary constituencies in the UK from 650 to 600.

2 Background

The Act was a political compromise resulting from post-election negotiations between the Conservative Party and the Liberal Democrats which led to the formation of the current coalition government. It gave effect to the commitment contained in the coalition's programme for government, which set out the new Government's intention to 'bring forward a Referendum Bill on electoral reform, which includes provision for the introduction of the Alternative Vote in the event of a positive result in the referendum, as well as for the creation of fewer and more equal sized constituencies'¹.

The legislation was the subject of considerable debate in Parliament. Concerns were raised that a Bill proposing major constitutional change was being rushed through Parliament at the expense of proper scrutiny and that the Government had failed to take into account the elections scheduled to the devolved institutions on 5 May. In the event, the Bill only just received Royal Assent in time for a referendum to be held on 5 May. The Conservatives had accused Labour peers in the House of Lords of filibustering the Bill in an attempt to delay its passage and had threatened to use the guillotine motion to move the debate forward. One of the last hurdles was cleared when the House of Lords voted against an amendment insisting on a voter turnout threshold of 40% for the result of the referendum on the voting system to be binding.

3 Referendum on the alternative vote

The Act sets the date for the referendum as 5 May but it may be held on any date before 3 October if an Order is made to that effect. Voters will be asked to vote 'Yes' or 'No' on the following question:

At present, the UK uses the 'first past the post' system to elect MPs to the House of Commons. Should the 'alternative vote' system be used instead?

If a majority of people vote for the introduction of AV, it cannot be introduced until the boundary changes have taken place. However, the reduction in the number of constituencies will be implemented at the next general election regardless of the referendum result.

If the Alternative Vote is introduced, it will mean that voters in Northern Ireland will be using two multi-choice systems for elections. The Single Transferable Vote is already used for elections to the Northern Ireland Assembly and local councils. An overview of how AV operates is included at Annex 1.

1 'The Coalition: our programme for Government' http://www.cabinetoffice.gov.uk/media/409088/pfg_coalition.pdf May 2010

4 Reduction in the number of constituencies

The Act reduces the number of UK Parliamentary constituencies from 650 to 600. The following table illustrates the changes:

Country	Electorate	Current allocation	New allocation	Reduction
England	38,332,557 ¹	533	500(+2)	31
Northern Ireland	1,190,635	18	16	2
Scotland	3,873,387 ²	59	50(+2)	7
Wales	2,281,596	40	30	10
Total	45,678,175	650	600	50

- 1 The total electorate for England does not contain the electorate of the Isle of Wight which will, according to the Act, comprise two constituencies
- 2 The total electoral for Scotland does not contain the electorate of (a) Na h-Eileanan an Iar and (b) Orkney and Shetland which are protected constituencies

Source: Boundary Commission for England website

The Act requires constituencies to be within 5% of an electoral quota that is estimated to be approximately 76,000 (the different rules for Northern Ireland are discussed below). During debate in the House of Commons it was suggested that the number of 600 was arbitrary and that the large number of MPs serving in the Executive or shadow Executive should be taken into account when considering this issue.

Northern Ireland

The Act contains special provisions for redrawing Parliamentary Constituencies in Northern Ireland. The provisions themselves are complex (see Annex 2) but broadly speaking they allow the Boundary Commission for Northern Ireland to deviate from the upper and lower limits for constituency size to compensate for the smaller electorate in Northern Ireland. On 4 March the Boundary Commission issued a press release explaining its approach to the review of boundaries:

The new rules mean that in most of the UK the electorate of each constituency will have to be within 5% of the electoral quota (76,641.2). The smallest permitted electorate in any constituency will be 72,810 and the largest 80,473. In Northern Ireland, however, the new rules allow for a wider range, from 70,583 to 80,473. The Boundary Commission...will put its final recommendations to the Secretary of State for Northern Ireland by 1 October 2013².

The Commission will publish provisional recommendations in the second half of 2011 which will be followed by a period of public consultation, including public hearings.

Impact on the Northern Ireland Assembly

Section 33 of the Northern Ireland Act 1998 states:

The members of the Assembly shall be returned for the parliamentary constituencies in Northern Ireland

Each constituency shall return six members.

2 Boundary Commission press release <http://www.boundarycommission.org.uk/pubs/PressRelease-040211.pdf> +

This means that 96 MLAs will be returned for the mandate commencing in 2015 from 16 Parliamentary constituencies.

Scotland and Wales

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.

Provisions in the Act require the constituencies for the National Assembly for Wales to be decoupled from those for the House of Commons. This is because the new quota will significantly reduce the number of Westminster seats in Wales and could leave the Assembly with around 45 seats. Concerns were expressed that any substantial reduction in the number of Assembly members might have an impact on the effectiveness of the Assembly.

Section 2 of the Government of Wales Act 2006 will need to be amended to decouple Assembly and Westminster constituencies. The Parliamentary Voting System and Constituencies Act will amend that section to specify that the Assembly constituencies are the constituencies specified in the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006, as amended. The effect is that any future changes to Parliamentary constituencies made under the new rules introduced by this Act would not change Assembly constituencies.

Annex 1

The following is an extract from the website of the Electoral Reform Society:

‘What is the Alternative Vote?

The Alternative Vote (AV) is very much like First-Past-the-Post (FPTP). Like FPTP, it is used to elect representatives for single-member constituencies, except that rather than simply marking one solitary ‘X’ on the ballot paper, the voter has the chance to rank the candidates on offer.

The voter thus puts a ‘1’ by their first-preference candidate, and can continue, if they wish, to put a ‘2’ by their second-preference, and so on, until they don’t care anymore or they run out of names. In some AV elections, such as most Australian elections, electors are required to rank all candidates.

If a candidate receives a majority of first-preference votes (more people put them as number one than all the rest combined), then they are elected.

If no candidate gains a majority on first preferences, then the second-preference votes of the candidate who finished last on the first count are redistributed. This process is repeated until someone gets over 50 per cent.’

Annex 2

The following is taken from the Explanatory Note of the Parliamentary Voting System and Constituencies Bill as introduced in Parliament.

Rule 7 makes provision to compensate for the potential impact of rules 3 and 8 on the average size of constituencies in Northern Ireland. Since the result of rule 3 is that a whole number of constituencies is allocated to each part of the UK (which is done as set out in rule 8), it will almost always be the case that the number of constituencies allocated to a part of the UK is very slightly higher or lower, by a fraction of a constituency, than its purely theoretical entitlement. This may have a consequential effect on the average size of a constituency in Northern Ireland which, because of the smaller electorate in Northern Ireland compared to other parts of the UK, might constrain the ability of the Boundary Commission for Northern Ireland (BCNI) to recommend constituencies within the parity principle in rule 2.

Rule 7 therefore provides that if the difference between the Northern Ireland electorate and the UK electoral quota multiplied by the number of seats in Northern Ireland exceeds one third of the UK electoral quota, and in the opinion of the BCNI it would unreasonably impair their ability to take into account the factors set out in rule 5, or would make the preparation of their report so complex that they would be unable to comply with the deadline for the submission of their report in section 3(2) of the 1986 Act, then the BCNI may propose constituencies that vary from the upper or lower limits imposed by rule 2 by a fixed amount, being the difference between the UK electoral quota and the electorate of Northern Ireland as it exists on the review date divided by the number of seats allocated to Northern Ireland under rules 3 and 8.



Northern Ireland
Assembly

Research and Information Service Briefing Note

19 October 2011

Ray McCaffrey and Leigh Egerton

Update paper on size of the Assembly

NIAR 729-11

1 The size of the Assembly and number of government departments (Efficiency Review Panel)

The Parliamentary Voting System and Constituencies Act 2011

The Parliamentary Voting System and Constituencies Act 2011 reduced the number of Parliamentary constituencies from 650 to 600. As a result, the number of Parliamentary constituencies in Northern Ireland will be reduced from 18 to 16 for the purposes of the next UK Parliamentary election.

The Boundary Commission for Northern Ireland is currently engaged in the sixth review of Westminster Parliamentary constituency boundaries and the review has to be completed before 1st October 2013.

In September the Boundary Commission published its Provisional Proposals Report.¹ Contained in this report are the proposals for the removal of two of Northern Ireland's constituencies. Five new constituencies have been proposed from boundary readjustments. These are Glenshane (largely East Londonderry/Mid Ulster); Mid-Tyrone (West Tyrone/Mid-Ulster); Mid-Antrim (North/East Antrim); Belfast South East and Belfast South West.

The boundary changes will reduce the number of MLAs from 108 to 96 and currently the boundary commission is holding open meetings to hear the views of the public on the proposed changes.

In terms of developments that have occurred in the past year surrounding the size of the Assembly, the following motion was tabled by the Leader of the Ulster Unionist Party on the 6th June 2011:

*That this Assembly recognises the need to reform its structures, including having a requirement for an official opposition to be in place by 2015 to create greater delivery, flexibility and scrutiny; and supports a review of the number of Departments and MLAs, and a restructuring of arm's-length bodies."*²

The motion passed without a ministerial response.

Furthermore, an Assembly question was tabled by David McNarry to OFMDFM on 10th March 2011:

*To ask the First Minister and deputy First Minister for an update on the Efficiency Review Panel, the establishment of which was announced on 9 April 2009.*³

OFMDFM responded:

*The Panel has not yet been appointed but is among the matters to be covered by the draft report which is being prepared for consideration and agreement of the St Andrews Agreement Working Group established under the Hillsborough Castle Agreement.*⁴

1 Boundary Commission for Northern Ireland, Provisional Proposals Report: Sixth periodical Review of Parliamentary Constituencies, September 2011. Available at: <http://www.boundarycommission.org.uk/Homepage/bcni-ppr1.pdf> Accessed: 17/10/2011

2 Assembly Motion, tabled 06/06/2011. Available at: <http://www.niassembly.gov.uk/assembly-business/official-report/reports-11-12/06-june-2011/>

3 Assembly Question AQO 1317/11. Tabled 10/03/2011.

4 As above.



Northern Ireland
Assembly

Research and Information Service Research Paper

10th November 2011

Ray McCaffrey, Tim Moore & Leigh Egerton

Size of the Northern Ireland Assembly

NIAR 768-11

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.

Contents

Executive summary

- 1 Introduction
- 2 Background
- 3 The current committee structure in the Northern Ireland Assembly
- 4 Scenarios – reduction in Members and Departments
- 5 Committee activity
- 6 Scottish Parliament and National Assembly for Wales
- 7 Conclusions and issues to consider

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 ¹
DUP	38	46
SF	29	35
UUP	16	20
SDLP	14	17
All	8	10
Green	1	1
TUV	1	1
Ind	1	1

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

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 place⁴.

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.

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

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

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

Number of committees	2	1	0
Number of MLAs	42	48	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 work⁵. Other sources suggest that somewhere around 40% of MPs' and 25% of Ministers' working time is spent on constituency business⁶.

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

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

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

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 ¹	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

1 Standing Orders allows for between 5-15 Members

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.

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)”⁷.

7

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

	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*
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 arose⁸.

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 Parliament⁹. 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 committees¹⁰. 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
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

⁹ Schedule 3 Scotland Act 1998 <http://www.legislation.gov.uk/ukpga/1998/46/schedule/3>

¹⁰ Standing Orders of the Scottish Parliament, April 2011 http://www.scottish.parliament.uk/business/so/so_final.pdf

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 groups¹¹ 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 method¹². 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 group¹³.

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:

- (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:

11 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.

12 Explanatory Note to the Government of Wales Act 2006

13 As above

... 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 purposes¹⁴.

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
- Minister for Finance and Leader of the House
- Minister for Housing, Regeneration and Heritage
- Minister for Local Government and Communities
- Counsel General¹⁵

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 workload¹⁶.

In addition to the subject-based committees, five additional committees have been established by the NAW 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.

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

15 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

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

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.

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?



Northern Ireland
Assembly

Research and Information Service
Briefing Paper

7 December 2011

Ray McCaffrey & Leigh Egerton

Electoral systems for the Scottish Parliament and National Assembly for Wales

NIAR 899-11

1 Introduction

This briefing paper provides information on issues relating to the electoral systems used to elect the Scottish Parliament and National Assembly for Wales. The Assembly and Executive Review Committee requested this information following a presentation on NIAR paper 768-11.

2 The systems used to elect Members to the Scottish Parliament and National Assembly for Wales

Both the Scottish Parliament and National Assembly for Wales use the Additional Member System (AMS) to elect their representatives. This is a legislative requirement under the Scotland Act 1998¹ and Government of Wales Act 2006².

What is the Additional Member System?

The AMS is a combination of first past the post and closed list proportional representation. The report of the Commission on the Powers and Electoral Arrangements of the National Assembly for Wales (the Richard Commission) explained the rationale for choosing this system: “It attempts to combine, in a single voting system, features of the First Past the Post (FPTP) and the Party List systems. The objective is to retain the clear link between a representative and his or her electoral area and, at the same time, provide a mechanism to compensate for the lack of proportionality which usually arises from elections conducted entirely under FPTP”³.

In Wales, forty Assembly Members are elected in constituencies, using the first-past-the-post system. Twenty Assembly Members are elected using the political party list system and independent regional candidates may also stand for election⁴.

In Scotland, there are 73 constituency Members of the Scottish Parliament (MSPs) who are elected using the first-past-the-post system. There are 56 regional MSPs across eight Scottish Parliament regions who are elected using a closed party list system⁵.

How does it work?

The website aboutmyvote.co.uk provides the following explanation of AMS (this paper has modified the text to use Wales as an example but the process is identical for Scotland):

The voter has two votes – one for the constituency member and the other for the regional members. The ballot paper for the constituency vote is marked with an X.

The second ballot paper is for the party or independent candidate attempting to win the regional seats. The ballot paper lists political parties and independent candidates. Under each party name is a list of candidates who wish to represent that party.

For elections to the National Assembly for Wales there are five regions, each electing four regional AMs. There are therefore 20 regional seats; these seats are awarded using a quota system. The quota is the total number of regional votes received by a party or independent candidate divided by the number of constituency seats already gained in that region +1.

1 Scotland Act 1998 as amended

2 Government of Wales Act 2006 as amended

3 Commission on the Powers and Electoral Arrangements of the National Assembly for Wales: <http://www.richardcommission.gov.uk/content/finalreport/report-e.pdf>

4 The Electoral Commission, Report on the National Assembly for Wales general election 5 May 2011, October 2011

5 The Electoral Commission, Report on the Scottish Parliament election on 5 May 2011, October 2011

So, for a party with no constituency seats the number of votes received is divided by one. If the party has secured one constituency seat in that region then its number of votes is divided by two, if it has two seats in that region it is divided by three, and so on.

This means that the more constituency seats a political party has won, the harder it is to gain any additional seats through the regional list system, so the overall allocation of seats is more proportional to the number of votes received.

The regional seats each political party wins are filled by the candidates in the order they appear on the regional ballot paper, this order is decided by the political party. An independent candidate is treated as though he or she were a party with only one name on its list.

The Richard Commission noted both advantages and disadvantages of using AMS:

Advantages

- the single Member constituency representation, elected by FPTP, is familiar and straightforward
- a broadly proportional result is achieved by the combined effect of the constituency and regional ballots

Disadvantages

- it creates two types of AM with overlapping responsibilities: the single constituency Member and the regional Member who is one of four representatives covering the region which includes the constituency
- the closed party list system reduces voter choice in favour of party control. Parties choose the candidates and determine their priority order on the list
- there is some evidence that people do not understand the dual-voting system, particularly the relationship between the first and second vote

In 2007 the Electoral Reform Society recommended that in Scotland and Wales STV should replace AMS to counter the weaknesses of AMS, such as the creation of two types of representatives⁶. The Richard Commission had also recommended the introduction of STV if the Welsh Assembly were ever to be larger than 60 as the problem with two types of members would be exacerbated. Furthermore, observers have noted that STV in Northern Ireland is the most proportional system of voting present in the UK⁷.

Women and people from black and minority ethnic backgrounds

It has been suggested that under AMS fair representation for women and people from black and minority ethnic backgrounds is increased. At the 2011 National Assembly for Wales election 24 women were elected, equalling the 40% achieved in 1999. In 2003, the Assembly became the first legislature in the world to have equal representation for both men and women.⁸

In Scotland, the number of women elected in 2011 was 45, resulting in the second lowest number of women MSPs in four Scottish Parliament elections at 35%. The 2007 election produced the lowest number at 33%.

6 Electoral Reform Society (2007), *Britain's Experience of Electoral Systems*

7 Ministry of Justice (2008), *The Governance of Britain: Review of Voting Systems: the experience of new voting systems in the UK since 1997* (London: TSO) p.92

8 Fox, Ruth (2011), 'Boom and Bust' in *Women's Representation: Lessons to be Learnt from a Decade of Devolution*, *Parliamentary Affairs*, 64, 1

The 2011 election led to only a slight improvement in the number of black and minority ethnic members (BME) of the National Assembly for Wales and Scottish Parliament: in both places they doubled, to two.

Female representation in the Northern Ireland Assembly is lower than the legislatures in Scotland and Wales (18.5%), and there is only one MLA from a BME background in the Assembly.

Factors beyond the electoral system need to be considered when examining the issue of under-represented groups in legislatures. For example, what efforts do political parties make to encourage female/BME membership and subsequent candidacy at elections?

Status of constituency and regional members

Both the Scottish Parliament and National Assembly for Wales make it clear that Members must not describe themselves as regional Members if they are constituency members, and vice versa. These rules are laid down in Standing Orders, Codes of Conduct and, in the case of the National Assembly for Wales, section 36(6) of the Government of Wales Act 2006.

Decoupling Parliamentary/Assembly constituencies from Westminster boundaries

Unlike the Northern Ireland Assembly, the Scottish Parliamentary and National Assembly for Wales constituency boundaries are not coterminous with Westminster boundaries.

Section 2 of the Government of Wales Act 2006 specifies that the National Assembly for Wales constituencies are the parliamentary constituencies in Wales. Section 13 of the Parliamentary Voting System and Constituencies Act 2011(PVSC Act) amended that section to provide that the Assembly constituencies are the constituencies specified in the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006, as amended. The effect is that any future changes to Parliamentary constituencies made under the new rules introduced by the PVSC Act 2011 will not change Assembly constituencies.

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 remains at 129, even if the number of MPs is reduced.

How could the electoral system for the Northern Ireland Assembly be changed?

The electoral systems for the Scottish Parliament, National Assembly for Wales and the Northern Ireland Assembly can only be changed by the UK Parliament. Section 33 of the Northern Ireland Act 1998 states:

The members of the Assembly shall be returned for the parliamentary constituencies in Northern Ireland

Each constituency shall return six members

The PVSC Act 2011 did not contain provision to amend Section 33 of the Northern Ireland Act 1998.

Furthermore, Paragraph 2 of Strand One of the Belfast (Good Friday) Agreement states that: "A 108-member Assembly will be elected by PR(STV) from existing Westminster constituencies"⁹. Therefore any potential change to the current electoral system would probably have to take account of Paragraph 2.



Northern Ireland
Assembly

Research and Information Service Briefing Paper

7 December 2011

Ray McCaffrey & Leigh Egerton

Further information relating to the structure of the Northern Ireland Assembly

NIAR 859 -11

1 Introduction

This briefing paper provides supplementary information on issues relating to the size of the Northern Ireland Assembly. The Assembly and Executive Review Committee requested this information following a presentation on paper 768-11.

This paper addresses the following issues:

- The committee systems in the Scottish Parliament and National Assembly for Wales
- Percentage attendance figures at committee meetings in the Northern Ireland Assembly
- The review of Westminster boundaries and information on membership of the Policing Board

2 The committee systems in the Scottish Parliament and National Assembly for Wales

Issues

- Rationale for the structure of the Committee system in the Scottish Parliament
- Potential difficulties of a small quorum (3) in Scottish Parliament committees
- Do Committees in the Scottish Parliament and National Assembly for Wales meet during plenary sessions?

Scottish Parliament

Structure

Officials from the Scottish Parliament confirmed that they do not have a rationale for the members/committees ratio. They have operated with both larger and fewer committee place numbers over the years and it is a case of supply having to meet the business demands of the Parliament¹.

Quorum

Rule 12.2 of Standing Orders states:

A committee shall not commence consideration of any business or vote if the number of committee members present (including the convener or deputy convener if that person is in the chair) is fewer than 3².

The reason for a quorum of three appears to come from the Report of the Consultative Steering Group on the Scottish Parliament, which stated:

Standing Orders should prescribe a quorum which must be reached by Committees both for consideration of business and for voting. Given that we are recommending that the number of Members on each Committee may vary between 5 and 15, it is proposed that a quorum of 3 Members is required. Committees which were not quorate would not be able to meet³.

1 Information provided by Scottish Parliament officials, 1 December 2011

2 Standing Orders of the Scottish Parliament (revised November 2011) accessed 28 November 2011

3 Report of the Consultative Steering Group on the Scottish Parliament, The Scottish Office 1998, accessed November 2011

The Scottish Parliament has advised that the relatively small quorum has to date not caused problems⁴.

Plenary and Committee meetings

Rule 12.3 of Standing Orders of the Scottish Parliament states:

A meeting of a committee (other than a Private Bill Committee) shall not begin when a meeting of the Parliament is in progress, and a committee meeting that has begun shall be closed before, or suspended during, any period when a meeting of the Parliament is in progress⁵.

Again, the report of the Steering Group appears to have influenced this decision:

Committees should not sit when the Plenary is in session, to facilitate maximum participation in debates⁶.

In its legacy report published at the end of the previous mandate, the Convenors Group of the Parliament commented on committee workload and priorities:

Given the range of work to be undertaken by committees, the Standards, Procedures and Public Appointments Committee should look at the balance of the parliamentary week between committees and the Chamber.

The Group recognises the need for sufficient Chamber time, particularly for the passage of legislation but believes that the current arrangements do not properly reflect the range and importance of committee business. It might be appropriate to consider a more flexible division of the parliamentary week which would recognise that the Chamber might need more time at particular points in the year or session such as the weeks immediately preceding the summer recess or dissolution. The work of committees could be given a larger proportion of the parliamentary week at other times of the year. Other options should also be considered including devoting weeks exclusively to committee or Chamber business. The Group recognises that changes of this kind would require a new approach to business programming.

The Group also recommends that the Standards, Procedures and Public Appointments Committee review the Rule that prevents committees from meeting at the same time as the Chamber. The Group considers that a change in that Rule could provide valuable additional time for committees without any adverse impact on the work of the Parliament⁷.

Therefore, Committees may meet on the same day as plenary sessions, but the timings cannot overlap.

National Assembly for Wales

Quorum

Standing Orders 17.31 and 17.32 of the National Assembly for Wales state:

17.31 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.

17.32 A committee meeting must be declared inquorate if, at the beginning of the meeting, the Members present represent only one political group⁸.

4 Information provided by Scottish Parliament officials, 1 December 2011

5 Standing Orders of the Scottish Parliament (revised November 2011) accessed 28 November 2011

6 Report of the Consultative Steering Group on the Scottish Parliament, The Scottish Office 1998, accessed November 2011

7 CONVENERS GROUP LEGACY PAPER - SESSION 3, accessed 28 November 2011

8 Standing Orders of the National Assembly for Wales, accessed 29 November 2011

Plenary and Committee meetings

Although there is nothing in Standing Orders to specifically prohibit committee meetings taking place during plenary, evidence to the Richard Commission by the Panel of Chairs of the Subject Committees stated that: "It is...considered inappropriate to arrange committee business at the same time as plenary sessions"⁹.

This position was confirmed by later research¹⁰ carried out for the Scottish Parliament.

4 Percentage attendance figures at committee meetings in the Northern Ireland Assembly 2007-11

Issue

- Percentage attendance figures for committees in the Scottish Parliament and National Assembly for Wales compared to the Northern Ireland Assembly

The following tables provide the percentage attendance figures at statutory and standing committees in the 2007-11 mandate of the Northern Ireland Assembly.

Table 1: Percentage attendance at meetings of statutory committees in the 2007-11 mandate

Committee	Average % attendance
Agriculture and Rural Development	81.2
Office of the First Minister and Deputy First Minister	75.5
Culture, Arts and Leisure	81.6
Education	80.1
Employment and Learning	76.7
Enterprise, Trade and Investment	74.8
Environment	77.8
Finance and Personnel	80.9
Health, Social Services and Public Safety	78.5
Justice ¹	86.7
Regional Development	82.2
Social Development	81.3
Overall average	79.7

1 Committee for Justice met for the first time in 2009

9 Panel of Subject Committee Chairs - Submission to Richard Commission, November 2002

10 Parliamentary time in other Parliaments and Assemblies http://www.scottish.parliament.uk/S4_PublicPetitionsCommittee/Inquiries/20111025_international_comparisons.pdf

Table 2: Percentage attendance at meetings of standing committees in the 2007-11 mandate

Committee²	Average % attendance
Assembly and Executive Review	79.0
Procedures	71.7
Public Accounts	75.4
Standards and Privileges	73.1
Audit	86.0
Overall average	77.0

2 Figures not available for Business Committee

The information for the Scottish Parliament and National Assembly for Wales is less comprehensive. Officials from the Parliament have stated that “It is usual to find that all members attend each committee meeting¹¹”, but no figures are available. For the National Assembly for Wales, figures are only available for the attendance of each Member from the beginning of the current mandate. The attendance figures are therefore very high due to the small number of meetings held.

5 Average duration of committee meetings

Issue

■ Duration of committee meetings

A direct comparison between legislatures is difficult due to the different amounts of information available and the method of collation. It should also be noted that the figures for Scotland and Wales include all committees.

Scottish Parliament

The average duration of a committee meeting in the Scottish Parliament in the 2009-10 session was 2 hours and 16 minutes¹². In 2008-09 the figure was 1hr 59mins, for 2007-08 it was 1hr 50mins¹³ and for 2006-07 it was 2 hours and 2 minutes¹⁴.

This equates to an average of approximately 2 hours from 2006 to 2010.

National Assembly for Wales

115 committee meetings took place between May and the start of December 2011, lasting a total of 177 hours and 48 minutes. The average duration of a committee meeting was therefore approximately 1 hour and 30 minutes¹⁵.

Northern Ireland Assembly

Figures were available for a sample of committee meetings in the 2007-11 mandate¹⁶:

11 Information provided by the Scottish Parliament

12 http://www.scottish.parliament.uk/Annualreportsandaccounts/SP_Stats_200910v2.pdf

13 http://www.scottish.parliament.uk/Annualreportsandaccounts/SP_Stats_2007-08.pdf

14 http://www.scottish.parliament.uk/Annualreportsandaccounts/SP_Stats_2006-07.pdf

15 Information provided by the National Assembly for Wales Research Service

16 Figures provided by the Business Office

- Average length of standing committee meeting: 1 hour 21 minutes
- Average length of statutory committee meeting: 2 hours 28 minutes

The combined average is therefore 1 hour 55 minutes

5 The review of Westminster boundaries and any potential impact on membership of the Policing Board

Review of Westminster boundaries

The Parliamentary Voting System and Constituencies Act 2011 places a requirement on the UK Boundary Commissions to “submit boundary reports...before 1 October 2013 and every five years subsequently. This replaces a requirement to report every 8 to 12 years”¹⁷.

Policing Board

The Northern Ireland Policing Board was established under section 2 of the Police (Northern Ireland) Act 2000¹⁸. Schedule 1 of this Act outlines the membership and allocation of MLAs to the Board. Part 3 of Schedule 1 states that:

- The Board shall have 19 Members
- 10 will be nominated from among Members of the Assembly
- 9 shall be appointed by the Minister for Justice

The political members are appointed using the D'Hondt method. Furthermore, the previous Assembly and Executive Review Committee, in its First Report on the Arrangements for the Devolution of Policing and Justice Matters recommended that:

There should be a convention, which would be respected by the political parties, and which would ensure that, at the point of devolution, and beyond, Members of the Northern Ireland Policing Board, or any District Policing Partnership could not sit, simultaneously, on the Statutory Committee of Justice¹⁹.

This recommendation was subsequently given effect in Standing Order 49B.

Frequency of meetings

The Police (Northern Ireland) Act 2003 amended the minimum number of public meetings of the Board from 10 to 8²⁰. The following table shows the number of meetings per year since 2008.

17 Explanatory Note to the PVSC Act 2011

18 Police (Northern Ireland) Act 2000: <http://www.legislation.gov.uk/ukpga/2000/32/contents>

19 http://archive.niassembly.gov.uk/assem_exec/2007mandate/reports/report22_08_09R.htm#Sum

20 http://www.nio.gov.uk/police_northern_ireland_act_2003.pdf

Table 3: Number of meetings of the Northern Ireland Policing Board since 2008

Year	Number of meetings
2011	10 (as at 3 November)
2010	10
2009	13
2008	12

Using the minutes published on the website of the Policing Board, the average running time for a Board meeting in 2011 has been calculated at 5.5 hours.

Scope for change

The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010²¹ transferred certain functions in relation to the Board from the Secretary of State to the Northern Ireland Minister for Justice. However, responsibility for amending the legislation remains within the remit of the UK Government, including, for example, the number of political members and their method of appointment.

21 <http://www.legislation.gov.uk/uksi/2010/976/contents/made>



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 000/00

12 April 2012

NIAR 229-12

Ray McCaffrey and Leigh Egerton

Scheduling Parliamentary time

1 Introduction

This briefing paper has been prepared for the Assembly and Executive Committee. It provides information in relation to the scheduling of Parliamentary business in the House of Commons, the Scottish Parliament, the National Assembly for Wales and the Oireachtas. It also references international examples where appropriate. The paper seeks to address the following issues:

- The manner in which other parliaments schedule parliamentary business for plenary sessions, committee meetings and constituency work
- If there is any evidence that suggests that scheduling plenary sittings alongside committee meetings produces a decrease in parliamentary effectiveness
- The size of committees in the House of Commons

Key points

- The Scottish Parliament and National Assembly for Wales avoid the overlap of plenary and committee meetings. However the Scottish Parliament could soon amend this practice to allow greater flexibility in the scheduling of parliamentary business
- No legislature in the UK and Ireland has officially designated constituency days in Standing Orders, but certain days are generally regarded as time for constituency business
- In the House of Commons, there has been an ongoing debate over many years on the impact of scheduling plenary alongside committee business
- The number of committee places in the Commons has doubled since the establishment of the current system in 1979, from 275 to 576

2 Scheduling Parliamentary Business

House of Commons

Plenary meetings and Select Committee meetings take place concurrently in the House of Commons¹. Standing Order 123 of the Commons states “All committees, other than committees of the whole House, shall have leave to sit at any time on any day on which the House sits”².

The Commons Select Committee on Procedures is currently undertaking an inquiry into sittings of the House and the parliamentary calendar:

The Committee intends to undertake a radical review of the role of Members of Parliament and the House of Commons and the optimum arrangements for the hours and sitting patterns of the House for fulfilling these roles most effectively.³

A range of views have been expressed in evidence to the Committee regarding the arrangements for scheduling plenary and committee business. These are summarised below:

1 Parliamentary time in other Parliaments and Assemblies http://www.scottish.parliament.uk/S4_PublicPetitionsCommittee/Inquiries/20111025_international_comparisons.pdf

2 Standing Orders of the House of Commons Number 73 Printed December 2010 Accessed: 4th April 2012

3 Commons Select Committee Inquiry: Sittings of the House and Parliamentary Calendar <http://www.parliament.uk/business/committees/committees-a-z/commons-select/procedure-committee/inquiries/parliament-2010/sittings-of-the-house-and-the-parliamentary-calendar/>

- the Procedure Committee should give the House the option of setting time aside each week for select committee meetings, with no debates taking place in the chamber. In effect, this would be a dedicated Committee day
- The structure of Committees in the House is already overstretched with regular poor attendance, often with MPs popping in for a few minutes then leaving

The Hansard Society's submission is particularly interesting on the topic of balancing Plenary and Committee time:

We believe that the Chamber should remain the ultimate forum for holding ministers to account. However, to improve its effectiveness Parliament should become a more committee-based institution. In order to provide for greater focus on select committee work one half or perhaps even one full day per week should be ring-fenced in the parliamentary week for committee work during which time the main Chamber should not sit. This would enhance the status of committees and, by rationing time in the Chamber, would mean that it acts as a plenary session for issues of greatest importance⁴.

The Committee is due to report later this year.

The Commons does not sit on every Friday and these non-sitting days are generally regarded as constituency days⁵.

Scottish Parliament

Paper 859-11 provided information on plenary and committee meetings in the Scottish Parliament. The key points are reproduced below.

Rule 12.3.3 of Standing Orders of the Scottish Parliament states:

A committee meeting may be held on any day, whether a sitting day or not and whether within or outwith the normal Parliamentary week. Committee meetings shall not normally be held when the Parliament is in recess.

Rule 12.3.3A goes on to say:

A meeting of a committee (other than a Private Bill Committee) shall not begin when a meeting of the Parliament is in progress, and a committee meeting that has begun shall be closed before, or suspended during, any period when a meeting of the Parliament is in progress⁶.

Report of Convenors Group

In its legacy report published at the end of the previous mandate, the Convenors Group of the Parliament commented on committee workload and priorities:

Given the range of work to be undertaken by committees, the Standards, Procedures and Public Appointments Committee should look at the balance of the parliamentary week between committees and the Chamber. The Group also recommends that the Standards, Procedures and Public Appointments Committee review the Rule that prevents committees from meeting at the same time as the Chamber. The Group considers that a change

4 <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmproced/writetv/1370/1370.pdf>

5 Parliament.uk (2012) "Constituency Fridays" see: <http://www.parliament.uk/site-information/glossary/constituency-fridays/> For more details on the Standing Orders governing Friday sittings see Standing Order 11 and 12 in House of Commons Standing Orders

6 Standing Orders of the Scottish Parliament (revised November 2011)

in that Rule could provide valuable additional time for committees without any adverse impact on the work of the Parliament⁷.

In December 2011 the Standards, Procedures and Public Appointments Committee published a report that recommended significant changes to the scheduling of parliamentary business. One of its recommendations suggested that the rules surrounding plenary and committee meetings should be amended:

The Committee recommends that Standing orders be amended to allow committees to meet at the same time as the Chamber when committees identify a need to sit longer, on a planned basis, should the bureau agree that is necessary.⁸

The latest communication from officials in the Scottish Parliament advises that they are awaiting a response on the report from the Parliamentary Bureau following which they expect to bring forward standing order rule changes for debate in the Chamber.

Constituency days

Constituency days are not stipulated in the Scottish Parliament Standing Orders although Mondays and Fridays are generally regarded as constituency days.⁹

National Assembly for Wales

Although there is nothing in Standing Orders to specifically prohibit committee meetings taking place during plenary, evidence to the Richard Commission by the Panel of Chairs of the Subject Committees stated that: "It is...considered inappropriate to arrange committee business at the same time as plenary sessions"¹⁰.

This position was confirmed by the Assembly's submission to the Commons' Procedure Committee¹¹.

Constituency days

A constituency day is not stipulated in Assembly Standing Orders although Friday is considered informally to be the constituency day for the Assembly.¹²

Oireachtas

There is nothing in Standing Orders to prohibit plenary business from taking place at the same time as committee business within the Oireachtas and indeed this is normal practice.¹³

The Committee system in the Oireachtas has traditionally been considered weaker than its counterparts elsewhere, in part due to the limited powers of inquiry available to them¹⁴.

7 CONVENERS GROUP LEGACY PAPER - SESSION 3

8 Standards, Procedures and Public Appointments Committee, 2nd report, 2011 (Session 4), "Reform of Parliamentary business inquiry: Phase 1 report: remodelling the Parliamentary week" Available at: http://www.scottish.parliament.uk/S4_StandardsProceduresandPublicAppointmentsCommittee/Reports/sppa-11-02w.pdf

9 As above see p. 10.

10 Panel of Subject Committee Chairs - Submission to Richard Commission, November 2002

11 <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmproced/writev/1370/1370.pdf>

12 Welsh Assembly (2012), "Assembly Timetable 19 September 2011 – 20 July 2012" See: http://www.assemblywales.org/bus-home/assembly_timetable.htm

13 Schedule of Business: This Week in the Houses of the Oireachtas <http://www.oireachtas.ie/ViewDoc.asp?DocId=1&CatID=60>

14 A proposal to grant Oireachtas committees more investigatory powers was defeated in the referendum in October 2011

However, there could soon be a greater emphasis placed on the work of committees. The Programme for Government had promised that “In order to enhance the role of the legislative committees, we will organise a committee week every fourth sitting week. The Dáil plenary will sit only for questions, including Leaders’ Questions and the order of business and the remainder of the day will be taken up in committee¹⁵.”

Constituency days

In terms of constituency days there is no specific day stipulated in Standing Orders. However, the Dail does not meet on a Monday¹⁶ or on three Fridays a month¹⁷.

Other legislatures

As part of its inquiry, the Commons’ Procedure Committee asked other legislatures to provide it with information on their approach to constituency and committee days:

Table 1: Constituency and committee days in other legislatures

Legislature	Constituency days	Committee days
Canadian House of Commons	The calendar generally provides for at least one week per month, and occasionally two weeks, during which the House does not sit in order primarily to afford Members the opportunity to spend time in their constituencies	No
Australian House of Representatives	No	No
Lok Sabha (India)	No	Yes, to consider the Budget

3 Impact of scheduling Plenary alongside Committee business

Perhaps unsurprisingly, given its size and workload, the House of Commons provides the best example of tensions between the scheduling of business in plenary and committees. This section draws on a number of sources highlighting the negative impact concurrent plenary and committee business has on the effectiveness of committees.

In 2001 the Hansard Society recommended that the House of Commons give greater recognition of the importance of committee work in its weekly parliamentary scheduling:

In order to reflect the importance attached to the select committee system, and not take away from the chamber, one day each week should be devoted to committee activity. To reflect the importance of this work other parliamentary business should be arranged around the committees so that the chamber would not meet on this day.¹⁸

¹⁵ http://www.taoiseach.gov.ie/eng/Publications/Publications_2011/Programme_for_Government_2011.pdf

¹⁶ See Oireachtas Standing Order 21.

¹⁷ Recent Change to Standing Orders of the Oireachtas in March 2012. See Standing Order 117A that now allows for on Friday sitting a month.

¹⁸ Hansard Society (2001), *The Challenge for Parliament; Making Government Accountable*, Report of the Hansard Society Commission on Parliamentary Scrutiny (London: Vacher Dod), p.54.

In 2008-09 the House of Commons Reform Committee (the Wright Committee) recognised the pressure faced by select committees:

Select committees have rightly won respect for the work they do and they are being asked to take on an increasing number of tasks on behalf of the House. As a result committee members find it increasingly difficult to devote time to select committee work as well as all their other duties. We consider that the Liaison Committee should re-examine the current role of select committees, their resources and their tasks, and in particular how to deal with the increasing demands of time made of Members as their role grows¹⁹.

In evidence sessions to the Commons Select Committee on Procedures inquiry into Sittings of the House and Parliamentary Calendar Angela Eagle MP the shadow leader of the house also suggested the introduction of committee days to the parliamentary week:

I think there are more fundamental reforms we could look at and think of, like having committee days and plenary days, how we could brigade the business that is different from what we have traditionally done in this Parliament... We need to look at the way other parliaments work and see whether they have a better way of brigading business²⁰.

Furthermore, recent research has contended that:

The effective discharge of the core tasks and the overall effectiveness of select committees are challenged by the capacity, time and motivation of members and the support and resources available to them. One of the reasons that some areas of government activity may escape effective scrutiny is that committees simply face too many demands without the resources required, particularly the time and interest of members...the growing importance and effectiveness of select committees is part of a trend that has seen the House of Commons become a more committee-based institution. However...there has been little reform to the balance between committee and chamber work and consequently...committees have to deal with the conflicting time demands and expectations of the plenary session in the Chamber and Westminster Hall. Proposals to provide more time for committees and to avoid clashes with the chamber have been made for many years.

The following table provides some international examples of the approach taken to scheduling plenary and committee business.

Table 2: Approach taken in other legislatures to scheduling plenary alongside committee business

Legislature	Can Plenary sessions take place at the same time as committee meetings?
Legislative Council of New South Wales	No
Legislative Assembly of Victoria	Joint investigatory committee and select committees cannot meet during plenary unless the House grants leave, this leave is rarely given. Privileges and standing orders committees may both meeting during plenary.

19 <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmrefhoc/1117/1117.pdf>

20 See Angela Eagle Oral evidence session: <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmproced/c1370-vi/c137001.htm>

Legislature	Can Plenary sessions take place at the same time as committee meetings?
Legislative Council of Victoria	No, but since December 2010 Wednesday evenings have been made available for Council committees to meet. Joint investigatory committee and select committees cannot meet during plenary unless the House grants leave, this leave is rarely given. Privileges and standing orders committees may both meeting during plenary.
Legislative Assembly of South Australia	No unless the House votes to permits it.
Legislative Assembly of Ontario	Yes, except during question time and the Routine Proceedings Committee of Supply.
Legislative Assembly of Manitoba	No
National Assembly of Québec	Yes, up to 4 committees may meet concurrently with the plenary, except during the Routine Proceedings. When the Assembly is not sitting up to 5 committees may meet concurrently.
House of Representatives, Australian Parliament	Yes, but may be interrupted if there is a call for a division or a quorum in the House.

4 Size of Commons' committees

There has been a significant increase in membership of Commons' select committees since the establishment of the current system in 1979. Originally populated with between 9 and 11 Members, this has grown to around 14. During this period, the number of places to be filled on all temporary and statutory committees has doubled from 275 to 576²¹. There are currently 650 MPs but this number will reduce to 600 for the purposes of the 2015 UK Parliamentary election²². The number of committees has risen from 24 to approximately 39, requiring a number of Members to serve on two or more committees. The convention that Parliamentary Private Secretaries and Opposition front-benchers do not serve on committees has had to be breached to service the demands of the committee system.

Prior to the 2010 Parliamentary election, the Wright Committee recommended:

That the new House of Commons reduce the size of its standard departmental committees to not more than 11; Members in individual cases can be added to specific committees to accommodate the legitimate demands of the smaller parties. We also recommend that the practice of appointing parliamentary private secretaries and front bench Official Opposition spokesmen should cease. We believe there should be clear consequences for unreasonable absence from select committees. The House must also seek to reduce the numbers of committees, ending overlapping or duplicate remits and rationing the scarce resource of Members time and commitment²³.

²¹ <http://www.publications.parliament.uk/pa/cm200809/cmselect/cmrefhoc/1117/111706.htm>

²² This is a result of provisions in the Parliamentary Voting System and Constituencies Act 2011

²³ As above



Northern Ireland
Assembly

Research and Information Service Research Paper

Paper 000/00

23 April 2012

NIAR XXX-12

Ray McCaffrey & Tim Moore

Committee Stages of Bills

This research paper compares the committee stages of the legislative process in the devolved legislatures, House of Commons and Dail Éireann. It looks at the role committees play in consideration of both the general principles and detail of a Bill, the role of non-committee members during committee stages, and the ability of committees to amend legislation.

Research and Information Service briefings are compiled for the benefit of MLAs and their support staff. Authors are available to

discuss the contents of these papers with Members and their staff but cannot advise members of the general public. We do, however, welcome written evidence that relate to our papers and these should be sent to the Research and Information Service,

Northern Ireland Assembly, Room 139, Parliament Buildings, Belfast BT4 3XX or e-mailed to RLS@niassembly.gov.uk

Executive Summary

Primary legislation governing the devolved legislatures in Northern Ireland, Scotland and Wales contains similar provisions relating to the legislative process. All three bodies must provide for their Members to:

- consider the general principles of a Bill
- consider and vote on the details of a Bill
- reject or pass the Bill

Standing Orders implement these provisions somewhat differently in each of the devolved legislatures.

At present, each of the devolved legislatures has established committees with remits that include the consideration of legislation and scrutiny of the relevant executive functions. In the past this was not the case, as separate legislation and scrutiny committees existed in the National Assembly for Wales.

Regarding consideration of the general principles of a bill, in the Scottish Parliament, Bills are referred to the committee within whose remit the subject matter of the Bill falls. The committee considers the general principles and reports on its consideration. The Parliament, taking into consideration the committee's report, then decides in plenary whether or not to agree the general principles.

In the National Assembly for Wales, consideration of general principles may occur in either committee or plenary. In the Northern Ireland Assembly, standing orders provide for the consideration of general principles, as a stage in the legislative process, to be undertaken in plenary only.

In each of the three devolved legislatures consideration of the detail of a bill occurs in committee. Differences in standing orders exist, however, in relation to the participation of non-committee members and the ability of committees to amend the bill during this stage of the legislative process.

In both the Scottish Parliament and the National Assembly for Wales, Members who are not members of a committee may, with the permission of the chair, participate in a committee meeting though they may not vote.

In the Northern Ireland Assembly, Members who are not members of a committee may, at the invitation of the Committee, participate in committee meetings though they may not vote.

In the National Assembly for Wales, any Assembly Member may table amendments to a Bill but only committee members may move, seek agreement to withdraw, or vote on an amendment.

In the Scottish Parliament, notice of an amendment may be given by any member and members who are not members of the committee taking Stage 2 of a Bill are also entitled to participate in the committee proceedings for the purpose of moving, debating or seeking agreement to withdraw an amendment in their name; they are not, however, entitled to vote.

In both the Scottish Parliament and the National Assembly for Wales a Bill can be amended in Committee during the detailed consideration stage. The statutory committees of the Northern Ireland Assembly may propose amendments for consideration by the Assembly but committees cannot themselves amend the Bill.

In Dail Éireann, consideration of the general principles of a bill is undertaken in plenary as the second stage of the legislative process. Detailed consideration of a bill can be undertaken by a Committee of the whole Dail, a select committee or a special committee.

Standing Orders also enable some provisions to be considered by a Committee of the whole Dáil, whilst others are considered by a Select or Special Committee. Committees undertaking detailed consideration are able to amend the Bill. It has been suggested, however, that 'the dominance of political parties in the Irish parliamentary process and the unwillingness to accept opposition party amendments means that few bills fundamentally change' during the legislative process.

In the House of Commons, debate on the general principles of a bill takes place in plenary sittings. Detailed examination of Bills is generally undertaken by Public Bills committees although a minority of Bills are dealt with by a Committee of the Whole House. House of Commons public Bills Committees can amend the bill during the committee stage.

In the House of Commons, there is a general rule that only those members nominated to a general committee (including Public Bill Committees) may take part in the deliberations of the committee, make any motion or move any amendment, be counted in the quorum of a committee, or vote. Therefore, non-committee members usually have to sit in the public gallery¹.

Research examining the case for reform of legislative committees in the House of Commons is currently being undertaken by the Constitution Unit in University College London. The final report based on this research is planned for release before the summer (2012).

1 There are exceptions to this rule in relation to law officers and Ministers. See page 861 of Erskine May for details.

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- 1 Introduction
- 2 Background
- 3 House of Commons
- 4 Scottish Parliament
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- 6 Dáil Éireann
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1 Introduction

The paper outlines the processes for the Committee stage of Bills in the UK Legislatures and Dail Éireann and highlights issues relating to how Committees scrutinise legislation. It focuses on the most common type of legislation, Public Bills (Government and Executive Bills). In addition, Table 1 at the end of the paper provides an overview of the procedures in each legislature.

2 Background

The House of Commons, Dáil Éireann and the Northern Ireland Assembly share common practices in relation to the passage of legislation. This includes referral of a Bill to a Committee after its introduction and second reading or debate by the whole House. The Scottish Parliament and National Assembly for Wales are different in that a Bill may be referred to Committee as soon as it is introduced.

3 House of Commons

The Committee Stage of Public Bills in the House of Commons has undergone significant transformation in recent years. In 2006 the Modernisation Committee produced a report which recommended that the system of standing committees should be replaced by Public Bill Committees. The “old standing committee system, though vital to the legislative process, was deemed ineffective by numerous commentators on parliament and had long faced pressure for reform. Ad hoc and unspecialised, standing committees lacked many of the features characteristic of effective committees found in other parliaments around the world”². These reforms also empowered the new Public Bill Committees to take “evidence and submissions in relation to Bills”³.

The website of the House of Commons provides the following guidance on the Committee stage of Public Bills⁴:

² *Strengthening Parliament's Powers of Scrutiny?* The Constitution Unit, University College London, 2009

³ Conan McKenna: *Parliamentary scrutiny by committee: Ireland in context. A comparative study on issues and effectiveness in parliamentary committees* Thesis 2010 Queen's University Belfast

⁴ <http://www.parliament.uk/about/how/laws/passage-bill/commons/coms-commons-committee-stage/>

Committee Stage - Line by line examination of the Bill

Committee stage is where detailed examination of the Bill takes place. It usually starts within a couple of weeks of a Bill's second reading, although this is not guaranteed. Government Bills are usually formally timetabled after they have received a second reading. Most Bills are dealt with in a Public Bill Committee. If the Bill starts in the Commons the committee is able to take evidence from experts and interest groups from outside Parliament. Amendments (proposals for change) for discussion are selected by the chairman of the committee and only members of the committee can vote on amendments during committee stage. Amendments proposed by MPs to the Bill will be published daily and reprinted as a marshalled list of amendments for each day the committee discusses the Bill. Every clause in the Bill is agreed to, changed or removed from the Bill, although this may happen (particularly under a programme order) without debate. A minority of Bills are dealt with by a Committee of the Whole House (takes place on the floor of the House of Commons), with every MP able to take part. Bills fast tracked through the House of Commons will receive less consideration. Consolidated Fund Bills do not have a committee stage at all.

A public bill committee:

generally has about 17 members though this can vary (the Committee of Selection must nominate between 16 and 50 Members to serve on each general committee) and its membership reflects the party composition of the House. At least one Minister from the Government Department in charge of the bill will be on the committee, as will a front-bench spokesman from each of the opposition parties represented. A new public bill committee is appointed for each bill and the membership of each committee is discharged when it has reported its bill to the House. There may be several public bill committees appointed at any one time and they are named after the bill that they examine e.g. the Welfare Reform Bill Committee⁵.

Programme Motions/Orders

Programme Motions and Orders are unique to the House of Commons among the legislatures examined. A "programme motion in the House of Commons is usually agreed to immediately after a Bill's second reading and then becomes known as the 'programme order'. Programme orders help to make a Bill's progress through its various stages much more predictable"⁶. The Cabinet Office provides a useful overview⁷ of the process and its impact on committee stages of bills:

- Most Government Bills are subject to programming in the Commons. Programming allows the House, following consultation through the usual channels, to determine a timetable for proceedings in Public Bill Committee and the duration of remaining stages on the floor of the House.
- The Bill team needs to provide a reasonable assessment of the time required in Committee, based on their knowledge of the Bill, its complexity and degree of controversy, and experience with similar Bills.
- Parliamentary Counsel drafts the required Programme Motion setting out the completion date for Public Bill Committee and outline provision for later stages, which is taken immediately after Second Reading.

⁵ *Parliamentary stages of a Government Bill*, House of Commons Information Office, August 2010

⁶ <http://www.parliament.uk/site-information/glossary/programme-motion/>

⁷ Cabinet Office, Programming, retrieved 11 August 2010

- For Bills being considered by a Public Bill Committee, the Programming Sub-Committee can recommend detailed proposals for particular witnesses and for the internal division of time between oral evidence sessions and clause by clause consideration and between different parts of the Bill within the overall time for Committee stage (“knives”). They may also recommend to the House that the out-date is changed, if this is felt necessary.
- As for how the programme motion provides for clause by clause consideration, on minor Bills the Programming Sub-Committee may simply have to suggest the order of consideration and the number of Committee sittings required to deal with the business, the time at which those meetings will take place and the time for conclusion of proceedings at the last meeting. On others, the order of consideration and the business for each sitting may be specified in detail. For larger Bills there are usually regular ‘knives’ to ensure that all parts of the Bill are dealt with in the time allotted. ‘Knives’ are the cut-off points at which debate on particular sections of the Bill must be completed. Importantly, these affect votes as well as debates.

Research examining the case for reform of the legislative committee system in the House of Commons is currently being undertaken by the Constitution Unit in University College London. The project website states that ‘The legislative process in the UK House of Commons has long been criticised, in particular with relation to its committee stage. Almost uniquely amongst established, developed parliamentary democracies this is taken in non-specialist and temporary (‘public bill’) committees, rather than specialist, permanent committees’. The research, therefore, is ‘...seeking to contribute to the evidence base in support of reform of the way in which the House of Commons deals with legislation by investigating how legislative committees function in other jurisdictions’. The final report based on the research is planned for release in spring 2012.

4 Scottish Parliament

Following the introduction of the Scotland Act 1998, the Consultative Steering Group (CSG) was established to determine how the Scottish Parliament would carry out its business. It was largely responsible for drafting the Standing Orders of the Parliament and its proposals were endorsed by all the main political parties. The CSG recommended the following in relation to the scrutiny role of committees⁸:

8 Report of the Consultative Steering Group on the Scottish Parliament, *Shaping Scotland's Future*, December 1998: <http://www.scotland.gov.uk/library/documents-w5/rcsg-00.htm>

10. We recommend that Stage 1, debate and vote on the principles of the Bill, should be conducted in Plenary. A Bill, once introduced, should be referred to the relevant Committee, which should consider and report on the general principles in the Bill, to inform a debate and vote on the principles of the Bill in the Plenary session.

11. The role of the Committee as proposed would be to provide a report to the Parliament as to whether or not the Bill should be approved in principle. It would not at this stage be a detailed consideration on a line by line basis of the Bill's content. At this stage, the Committee would also be able to comment on the Memorandum accompanying the Bill, in particular on the extent of consultation undertaken, and to recommend whether further evidence should be taken to inform the next stage of consideration of the Bill.

12. Following a debate and positive vote in Plenary on the principles of the Bill, the Bill should be referred again to Committee for detailed consideration. Where there are 2 or more interested Committees, one Committee should be identified as the "lead" and other interested Committees should submit their views to the lead Committee within a specified time.

As noted in the introduction, the Committee stage of legislation in the Scottish Parliament differs somewhat from the model in the House of Commons, Dail Éireann and Northern Ireland Assembly. Section 36 of the Scotland Act 1998 and Chapter 9 of Standing Orders outline the process for Public Bills in the Scottish Parliament.

Scotland Act 1998

Section 36 Stages of Bills

- (1) Standing orders shall include provision—
- (a) for general debate on a Bill with an opportunity for members to vote on its general principles,
 - (b) for the consideration of, and an opportunity for members to vote on, the details of a Bill, and
 - (c) for a final stage at which a Bill can be passed or rejected.

In particular, rules 9.5 to 9.9 of Standing Orders⁹ detail the various stages of a Bill. Below is a summary of that process:

Stage 1

- Once introduced, the Parliamentary Bureau refers the Bill to whichever Committee has the Bill within its remit – known as the 'lead committee'. If the Bill could go to more than one Committee, then the Bureau must recommend to Parliament which should be the lead Committee
- The Bureau also sets a timescale within which the lead committee is expected to report

Stage 1 report

- The lead committee's role is to report to the Parliament on the general principles of the Bill – that is, on the principal purposes of the Bill, rather than the fine detail. It is normal

9

Standing Orders of the Scottish Parliament, Nov 2011: <http://www.scottish.parliament.uk/Parliamentaryprocedureandguidance/StandingOrdersv4.1.pdf>

(but not obligatory) for a Stage 1 Report to include a recommendation to the Parliament as to whether the general principles of the Bill should be agreed to

- The Committee can take evidence from witnesses and may issue a call for written evidence
- The lead committee must include in the Stage 1 Report consideration of the Financial Memorandum, taking into account any report on that document that may (but need not) be made to it by the Finance Committee. In the case of an Executive Bill, the Report must also include consideration of the Policy Memorandum. This enables the lead committee to consider, for example, whether sufficient consultation was undertaken before introduction.

Stage 2 Committee

- The minimum period that must elapse between the day on which Stage 1 is completed and the day on which Stage 2 starts is 11 sitting days. If the Parliament agrees to the general principles of the Bill at Stage 1, the Bill proceeds to Stage 2. (If the general principles are rejected, the Bill falls.) The Parliamentary Bureau may refer the Bill back to the Stage 1 lead committee for Stage 2 or propose (by motion) that a different committee or committees take that Stage. The Stage 2 committee can be a Committee of the Whole Parliament, of which all MSPs are members and the Presiding Officer is the convener. For example, the stage 2 debate on Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Bill in October 2010 took place in a Committee of the Whole House. The Bureau may also propose that the Bill be divided among two or more committees for Stage 2 consideration – preferably with each committee being allocated whole Parts or Chapters to deal with.
- The Bureau may set a timescale within which Stage 2 is to be completed. Except for Budget and Emergency Bills, there must be at least eleven whole sitting days between the completion of Stage 1 (i.e. the decision at the end of the Stage 1 debate) and the beginning of Stage 2
- The principal role of the Stage 2 committee is to consider and dispose of amendments. Any MSP may lodge an amendment – not just members of the relevant committee. And there is no limit to the number of amendments that each MSP may lodge. The convener of a committee may lodge (or support) an amendment on behalf of the committee if the committee has made a formal decision during a meeting to that effect. Such “committee amendments” are printed in the name of the convener followed by the words “(on behalf of the [name] Committee)”. There is no procedural distinction between committee amendments and amendments in the name of an individual member, but the stated endorsement of the committee may be helpful as an indication of cross-party support. It is also open to the committee, within the timescale available, to take further evidence on the Bill at Stage 2.
- A member who is not a member of a committee taking Stage 2 of a Bill is entitled to participate in the committee proceedings for the purpose of moving, debating or seeking agreement to withdraw an amendment in their name but they are not able to vote.

Stage 3

- Stage 3 takes place at a meeting of the whole Parliament. Except in the case of a Budget or Emergency Bill, the day on which Stage 3 begins must be at least nine whole sitting days after the day on which Stage 2 ends

5 National Assembly for Wales

Section 111 of the Government of Wales Act 2006 relates to Bill proceedings in the Assembly:

Government of Wales Act 2006

Section 111 Proceedings on Bills

- (1) The standing orders must include provision—
- (a) for general debate on a Bill with an opportunity for Assembly members to vote on its general principles,
 - (b) for the consideration of, and an opportunity for Assembly members to vote on, the details of a Bill, and
 - (c) for a final stage at which a Bill can be passed or rejected.

Standing Order¹⁰ 16.1 of the Assembly states:

The Assembly must establish committees with power within their remit to:

- (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 Wales.

In June 2011, the National Assembly for Wales established five ‘thematic’ committees to carry out these functions. This differed from the arrangement in existence during the course of the Third Assembly (2007-11), where five separate permanent Legislation Committees were established to consider and report on legislation introduced into the Assembly.

Standing Order 26 deals with the passage of legislation through the Assembly (Acts of the Assembly) and the relevant provisions relating to consideration of the principles and details are described below.

Stage 1 – Consideration of General Principles

- Once a Bill has been introduced, the Business Committee will decide if it should be referred to a responsible committee established under Standing Order 16. If it is referred, the Committee must consider and report on the general principles of the Bill subject to a deadline decided by the Business Committee. If it is not, it may go to the Assembly for agreement on general principles.

Stage 2 – Detailed Consideration by Committee

- Stage 2 starts on the first working day after Stage 1 is completed

¹⁰ National Assembly for Wales – Standing Orders (November 2011) http://www.assemblywales.org/november_2011_branded_clean_sos-e.pdf

- At least 15 working days must elapse between the start of Stage 2 and the date of the first meeting at which the responsible committee considers amendments to the proposed Measure
- Stage 2 may take place in committee or be undertaken by a Committee of the Whole House
- A Bill may be amended in Stage 2 proceedings
- Any Assembly Member may table amendments to the Bill and there is no limit to the number of amendments that can be tabled.
- Only a Member who is a member of the committee considering Stage 2 proceedings may participate in those proceedings for the purpose of: (i) moving or seeking agreement to withdraw an amendment; or (ii) voting.
- This stage ends when all the amendments have been considered.

6 Dáil Éireann

Standing Orders 126 to 132 of Dail Éireann detail the procedure for the committee stage of Bills¹¹. Bills in Dail Éireann may be introduced in one of two ways: presentation or introduction. In the Dáil, only the Government, and groups provided for in standing orders (seven or more deputies), may present Bills (one Bill at a time from each group). Leave of the House is sought for publication of Bill. In the Dáil any member may seek leave to introduce a bill. In the Seanad introduction requires three Senators to sponsor the bill. As a general rule, Bills may be initiated in either the Dáil or the Seanad. Exceptions to general rule are:

- Money Bills (Dáil only)
- Bills to amend the Constitution (Dáil only)
- Private Bills (Seanad only)¹²

Standing Orders of the Dail do not specify timings between stages. However, Standing Order 139 states: “The making of an Order fixing the date for the next Stage of a Bill shall be decided without amendment: Provided that, in a case where the Order is not made, the Bill shall remain on the Order Paper”¹³.

Consideration of the general principle of a Bill, the second stage in the legislative process, is undertaken in plenary.

Standing Order 126 states that, following stage 2, a bill may be considered in a committee of the whole Dáil or referred to some other committee.¹⁴ Committees have “the power to seek submissions and take evidence on bills but rarely do so”¹⁵. Only members of the committee or their substitutes may table amendments, although only members of the government can table amendments that impose a charge on the revenue or on the people. Only amendments relevant to the provisions of the Bill and are not in conflict with the principle of the Bill may be made in committee.¹⁶ Other amendments, however, may be made if the House has given an

11 Standing Orders of Dail Éireann: http://www.oireachtas.ie/documents/proceduraldocuments/Standorders2011_revised.pdf

12 Website of the Houses of the Oireachtas: A Brief Guide to the Legislative Process, retrieved 12 August 2011

13 Standing Orders of Dail Éireann: http://www.oireachtas.ie/documents/proceduraldocuments/Standorders2011_revised.pdf

14 Standing Orders of Dail Éireann:

15 Conan McKenna, *Parliamentary scrutiny by committee: Ireland in context. A comparative study on issues and effectiveness in parliamentary committees*, Queen's University Belfast, 2011

16 Standing Orders of Dail Éireann No 131 (1)

appropriate instruction to the committee to do so.¹⁷ Members may speak twice in the report stage on each amendment with the proposer also having a right of reply.¹⁸

Previous research has highlighted perceived shortcomings in committees' ability to influence legislation:

Oireachtas select committees play an important role in the legislative process...the third stage of that process is the committee stage. At this stage the bill is sent to the most relevant committee. Clearly then, committees have a critical role in the legislative process...at committee stage, it is possible for detailed amendments to be made and there are certainly examples over time of Irish governments allowing amendments to bills at committee stage...the clear pattern, however, is of government dominance of the legislative process at all stages. Once the cabinet has approved the contents of a bill, it is normally very unusual for the Oireachtas to have any substantive input into changing those contents...the dominance of political parties in the Irish parliamentary process and the unwillingness to accept opposition party amendments means that few bills fundamentally change...during the legislative process¹⁹.

7 Northern Ireland Assembly

As with the Scottish Parliament and National Assembly for Wales, the legislative process for the Northern Ireland Assembly is set out in the first instance in primary legislation. The Northern Ireland Act 1998 states:

Section 13 – Stages of Bills

Standing orders shall include provision—

- (a) for general debate on a Bill with an opportunity for members to vote on its general principles;
- (b) for the consideration of, and an opportunity for members to vote on, the details of a Bill; and
- (c) for a final stage at which a Bill can be passed or rejected but not amended¹.

Standing Orders²⁰ 30 to 43 of the Assembly detail the process for public legislation. A key difference between the Assembly and the other devolved legislatures in Scotland and Wales is that in Northern Ireland the process is more closely modelled on that in the House of Commons and Dail Éireann. Rather than referring a Bill to a Committee after its introduction, a Bill will not go the relevant committee until after the second stage.

At the Second Stage of a Bill being agreed, the Bill is referred to the appropriate statutory committee, unless the Assembly orders otherwise. The relevant statutory committee, may, within the period of 30 working days from date of referral, consider and take evidence on the provisions of the Bill, and report its findings to the Assembly.

A report made to the Assembly may include proposals for amendments to the Bill that may be proposed at Consideration Stage, but the committee cannot vote on amendments. Due to the legislative drafting resources available to the Departments, the committee normally

17 Standing Orders of Dail Éireann No 131 (2)

18 Standing Orders of Dail Éireann 133 (3)

19 MacCarthaigh & Manning (eds) *The Houses of the Oireachtas: Parliament in Ireland*, Institute of Public Administration 2010

20 Northern Ireland Assembly - Standing Orders as amended 24 January 2012
<http://www.niassembly.gov.uk/Assembly-Business/Standing-Orders/Standing-Orders/>

persuades the relevant Minister and department officials to draft and table the amendments sought by it. However, where the department won't draft the amendment, the committee can and will table its own amendments.

In a 2002 report on the legislative process, the Committee on Procedures considered whether committees should be given the power to amend Bills. The Committee concluded that there would need to be an extensive period of consultation, particularly with the Executive, before any such change was introduced²¹.

Of 69 Bills receiving Royal Assent during the 2007-11 mandate, 47 had a Committee Stage of which 43 were extended (91%). The other 22 Bills progressed by Accelerated Passage (no Committee Stage)²².

21 Committee on Procedures: Review of the Legislative Process in the Northern Ireland Assembly, January 2002
22 Information provided by the Bill Office

House of Commons	National Assembly for Wales	Scottish Parliament	Dail Éireann	NIA
Formal introduction – no debate on the Bill	Introduction - Bills must be available in English and Welsh and the Presiding Officer must publish a statement that the Assembly has the power to make the Bill. Each Bill must also be accompanied by an Explanatory Memorandum that will set out its policy objectives, details of any consultation already undertaken on the Bill, estimates of the costs of implementing the Bill and any other relevant information	Introduction – certain accompanying documents are required: explanatory notes, financial memorandum, Executive statement on legislative competence and policy memorandum	Legislation can be introduced by one of two methods: presentation (government and recognized groups) or introduction (any Member may seek leave to introduce a Bill).	<p>Bill text, Explanatory Memorandum, Statement on legislative competence and Secretary of State's consent, if required, submitted to the Speaker by Minister/Member in charge of the Bill.</p> <p>Statement on legislative competence is published with the Bill. Bill ordered to be printed and set down in the list of pending future business for Second Stage Bill copied to Northern Ireland Human Rights Commission</p>
Debate on general principles of the Bill in plenary	This stage involves the consideration of the general principles of a Bill by a committee (or committees), followed by the agreement of the general principles by the Assembly.	Bill referred to appropriate Committee, known as the 'lead Committee'. Committee produces a report on the general principles of the Bill. General principles are then debated by Parliament	Debate on general principles of the Bill in plenary	<p>Debate on general principles in Assembly Plenary.</p> <p>Bill may be referred by the Speaker, on a motion being agreed at any stage, to either the NIHRC or the Special Committee on Conformity with Equality Requirements for advice and, if agreed on a vote, the Equality Committee may take the Committee Stage.</p>

House of Commons	National Assembly for Wales	Scottish Parliament	Dail Éireann	NIA
<p>Detailed consideration by Committee - When a public bill (other than a Consolidated Fund or an Appropriation Bill, or a tax law rewrite bill, or a bill for confirming a provisional order) has been read a second time, it shall stand committed to a public bill committee unless the House otherwise orders.</p> <p>A motion—to commit a bill to a committee of the whole House or to a select committee, or a motion that it is expedient that a bill be committed to a joint committee of Lords and Commons; or to give a public bill committee to which a bill has been committed under this order power to send for persons, papers and records, may be made by any Member and if made immediately after the bill has been read a second time shall not require notice, and, though opposed, may be decided after the expiration of the time for opposed business, and the question thereon shall be put forthwith</p>	<p>Detailed consideration by Committee</p> <p>- A Bill may be amended in Stage 2 proceedings</p> <p>Amendments to be considered at Stage 2 proceedings may be tabled by any Member, from the first day on which Stage 2 starts</p> <p>Amendments are to be disposed of in the order in which the sections and schedules to which they relate arise in the Bill, unless the committee considering Stage 2 proceedings has decided otherwise</p> <p>Only a Member who is a member of the committee considering Stage 2 proceedings may participate in those proceedings for the purpose of:</p> <p>(i) moving or seeking agreement to withdraw an amendment;</p> <p>or</p> <p>(ii) voting</p> <p>An amendment tabled by a Member who is not a member of a the committee considering Stage 2 proceedings, may be moved by a member of the committee</p>	<p>Detailed consideration by Committee - At Stage 2, each section and schedule and the long title of the Bill shall be considered separately and the committee shall decide whether to agree to them.</p> <p>Unless the Parliament has decided, on a motion of the Parliamentary Bureau, the order in which the sections and schedules of the Bill are to be considered at Stage 2, the committee may decide the order. If neither decides, the sections shall be taken in the order in which they arise in the Bill, with each schedule taken immediately after the section which introduces it.</p> <p>A Bill may be amended at Stage 2. Notice of an amendment may be given by any member after the completion of Stage 1</p>	<p>Detailed consideration by Committee - In Committee, a Bill must be considered section by section. It shall be in order, however, before consideration of a section or sections is entered upon, to move the postponement of the section or sections until another section, other sections or schedules have been disposed of. Any section of a Bill may be amended in Committee, and new sections may be inserted.</p> <p>In Committee, when an amendment is offered proposing to insert a new section in a Bill, such amendment may be moved when the number of the section, before which it is proposed to insert the new section, is read from the Chair, and the question on such amendment shall be first decided</p> <p>When the amendments (if any) offered to a section have been disposed of, the question shall be proposed, "That such section (or such section as amended) stand part of the Bill".</p>	<p>Detailed consideration by Committee</p> <p>- On the Second Stage of a Bill being agreed, the Bill shall stand referred to the appropriate statutory committee, unless the Assembly shall order otherwise.</p> <p>A statutory committee to which a Bill stands referred under this Standing Order, may, within the period of 30 working days from date of referral, consider and take evidence on the provisions of the Bill, and report its opinion thereon to the Assembly.</p> <p>A report made to the Assembly under paragraph (2) may include proposals for amendments to the Bill that may be proposed at Consideration Stage.</p> <p>Before the conclusion of the period specified in paragraph (2), a motion may be moved in the Assembly by -</p> <p>(a) a Minister; or</p> <p>(b) the chairperson of the relevant statutory committee (or deputy chairperson acting in the chairperson's stead) to extend the period until a date specified in the motion. The question on any such motion may be decided after the expiration of the time for opposed business.</p>

House of Commons	National Assembly for Wales	Scottish Parliament	Dail Éireann	NIA
<p>A motion to commit a bill to a public bill committee in respect of some of its provisions and to a committee of the whole House in respect of other provisions may be made by the Member in charge of the bill and, if made immediately after the bill has been read a second time, shall not require notice, and may, though opposed, be decided after the expiration of the time for opposed business.</p> <p>If such a motion is opposed, the Speaker after permitting, if he thinks fit, a brief explanatory statement from the Member who makes and from a Member who opposes the motion shall, without permitting any further debate, put the question there on</p>		<p>At Stage 2, amendments to any section or schedule or to the long title shall be disposed of before the committee considers whether to agree to the provision in question. Where no amendments are proposed to a section, a schedule or the long title, the committee shall proceed immediately to decide the question whether that provision be agreed to. If an amendment to leave out a section or schedule is disagreed to, that section or schedule shall be treated as agreed to</p> <p>A member who is not a member of a committee taking Stage 2 of a Bill, or part of it, is entitled to participate in the proceedings for the purpose of moving, debating or seeking agreement to withdraw an amendment in that member's name but shall not vote</p>	<p>The consideration of the preamble and title of a Bill in Committee shall be deferred until the sections and schedules (if any) have been considered. It shall be an instruction to all Committees to which Bills may be committed that they have power to make such amendments therein as they shall think fit, provided that such amendments be relevant to the provisions of the Bill and are not in conflict with the principle of the Bill as read a second time.</p> <p>The Dáil may, following debate of not less than 60 minutes as the House may order on motion made by the member in charge of a Bill, give an instruction to a Committee to which a Bill has been committed empowering it to make amendments, the nature of which shall be specified, provided that the amendments be relevant to the general subject matter and not in conflict with the principle of the Bill</p>	<p>On a report being made to the Assembly under paragraph (2), or on the conclusion of any period specified in this order or extended by the Assembly under this order, the Bill shall be set down on the list of pending future business until a date for its Consideration Stage is determined.</p>

House of Commons	National Assembly for Wales	Scottish Parliament	Dail Éireann	NIA
<p>If the question on a motion made under paragraph (2) or paragraph (3) of this order is negatived, the Speaker shall forthwith declare that the bill stands committed to a public bill committee</p> <p>All committees to which bills may be committed or referred for consideration on report shall have power to make such amendments therein as they shall think fit, provided they be relevant to the subject matter of the bill: but if any such amendments shall not be within the long title of the bill, they shall amend the long title accordingly, and report the same specially to the House</p> <p>Save as provided in Standing Order No. 92 (Consideration on report of certain bills by a general committee) every bill committed to and reported from a public bill committee, whether amended or not, shall be considered on report by the House</p>		<p>If the Bill has been amended at Stage 2 so as to insert or substantially alter provisions conferring powers to make subordinate legislation, the Subordinate Legislation Committee shall consider and report to the Parliament on those provisions. The Committee may also consider and report on any new or substantially altered provisions conferring other delegated powers</p>		

House of Commons	National Assembly for Wales	Scottish Parliament	Dail Éireann	NIA
Report stage - gives MPs an opportunity, on the floor of the House, to consider further amendments (proposals for change) to a Bill which has been examined in committee	Detailed consideration, by the Assembly, of the Bill and any amendments proposed by Assembly Members	Consideration by Parliament	Consideration in Plenary of amendments arising from Committee stage	Committee reports its findings and proposed amendments to Assembly Plenary. All amendments and the clauses and Schedules of the Bill voted on at this stage. Bill reprinted if necessary.
Third reading is the final chance for the Commons to debate the contents of a Bill. It usually takes place immediately after report stage as the next item of business on the same day	This is the last stage of the process and follows the completion of stage 3. At this stage, there is a vote by the Assembly to pass the final text of the Bill.	Reconsideration stage – this only occurs where a Law Officer or the Secretary of State considers the Bill to be incompatible with legal obligations	General debate on the Bill	A second opportunity for the Bill to be amended in the Assembly Plenary. All amendments proposed voted on at this stage. Bill reprinted if necessary
Consideration of amendments – Commons and Lords have to agree final text of Bill	Bill becomes Act	Bill becomes Act	Bill sent to Seanad for further scrutiny	Bill referred to the Speaker to confirm that it may proceed to Final Stage
Bill becomes Act			Bill becomes Act	Bill becomes Act



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 000/00

3 May 2012

NIAR 274-12

Ray McCaffrey & Leigh Egerton

Further information on plenary and committee business in the Northern Ireland Assembly and other legislatures

1 Introduction

This briefing paper was requested by the Assembly and Executive Review Committee following its meeting on 17 April 2012. The paper provides information on the following issues:

- analysis of plenary and committee business in the Northern Ireland Assembly and Scottish Parliament
- Confirmation on whether plenary attendance in the Northern Ireland Assembly is recorded and the practice in other UK and Ireland parliaments;
- How the plenary/committee meetings scheduling works in practice in the House of Commons and Dail Eireann

1 Timings and items considered in plenary and committees in the Northern Ireland Assembly and Scottish Parliament

This section provides a breakdown of plenary and committee business in the Northern Ireland Assembly and Scottish Parliament. The timeframe chosen was the post-Easter recess to summer recess in 2009, as it was considered to be a typical period of business for each legislature.

The research looked at the official records in the Scottish Parliament and Northern Ireland Assembly to determine the total length of time spent in plenary.

Table 1: Information on length of plenaries in the Scottish Parliament and Northern Ireland Assembly

Legislature	Number of plenaries	Total amount of hours	Average hours per sitting
Scottish Parliament	19	115 hrs 30 min	6 hrs 4 min
Northern Ireland Assembly	21	125 hrs 30 min	5 hrs 58 min

As the above table shows, there is little difference in the figures for both legislatures, given that the Assembly sat for an additional two days.

Figure 1: Items considered in Plenary in the Northern Ireland Assembly, 22 April 2009 to 7 July 2009¹

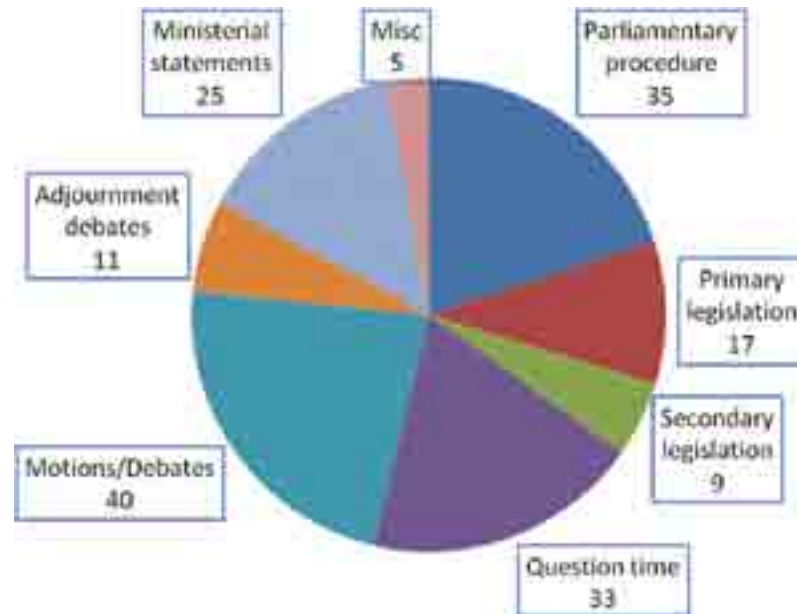
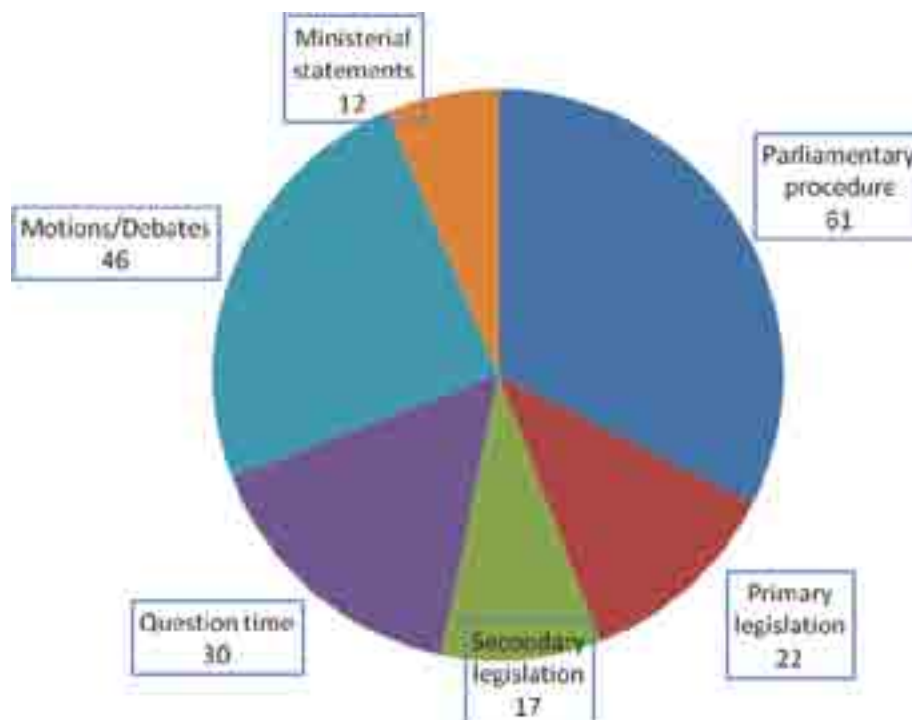


Figure 2: Items considered in Plenary in the Scottish Parliament, 22 April 2009 to 25 June 2009



As figures 1 and 2 show, there are some differences in the recurrence of items considered in plenary in the Northern Ireland Assembly and Scottish Parliament. There was almost double the amount of Ministerial Statements in the Assembly, more motions/debates (although the Scottish Parliament does not distinguish between ordinary debates and adjournment debates). The Scottish Parliament considered more legislation than the Assembly and significantly more items that could be classed as routine procedural matters.

Due to the formatting of the respective Official Reports, it was not possible to conduct an analysis of the time spent on consideration of individual items. This has also precluded

1

The five miscellaneous items were two Private Notice Questions, two Matters of the Day and one Urgent Oral Question

an analysis of a possible increase in plenary attendance when committees do not sit concurrently.

Table 2 lists the motions/debates considered in the relevant period in both legislatures.

Table 2: Motions and debates considered in Plenary in the Northern Ireland Assembly and Scottish Parliament, April 2009 to July 2009

Northern Ireland		Scotland	
Date	Motions	Date	Motions
20 April	Childcare strategy Loss of nursing posts	22 April	Commissioner for Children and Young People in Scotland Vale of Leven Inquiry High-speed Rail Services Project Linus UK
21 April	Educational Underachievement Social Housing	23 April	Newspaper Industry Transport Infrastructure Glasgow 2014 Legacy Plan Daily Record and Sunday Mail
27 April	Steps to Work Contracts Science, technology, engineering and mathematics (STEM) subjects	29 April	Housing Telehealth
28 April	Health Provision for Older People Local Govt Boundaries Children Missing from Care	30 April	Education Economy United Kingdom Budget (Implications for Scotland) Private Residential Care Homes (Accountability)
5 May	Employment and Support Allowance Costs of Division	6 May	Midwives
11 May	RUC Museum Children Missing from Care	7 May	School Discipline Community Courts Royal Mail
12 May	Dairy Farming Economy	13 May	HBOS-Lloyds TSB Merger
18 May	Healthcare for Older People Restructuring Assembly and Executive	14 May	Community Courts United States of America and Canada (Engagement) RNID Hearing Matters Campaign
19 May	Byron Review (Education) Juvenile Justice System Special Educational Needs Review	20 May	Bees
26 May	Educational Underachievement Race Relations	21 May	Student Hardship Supporting Employment Aquaculture Strathclyde Police Prolific Offender Programme

Northern Ireland		Scotland	
Date	Motions	Date	Motions
1 June	Civil Service: Equal Pay Claim	27 May	Open Prisons Influenza A(H1N1) Sheep (Electronic identification)
2 June	Royal Mail Regulation and Quality Improvement Authority	28 May	Missing Children Alert System Supporting Scottish Business Cashback for Communities Infertility Treatment
8 June	Diabetes Service Framework Decline in Bee Population	3 June	Unpaid Carers
9 June	Housing Budget Social Housing in Foyle	10 June	Supporting Town Centres
15 June	Supply Resolution for 2009-10 Main Estimates	11 June	United Kingdom General Election National Waste Strategy Anne Frank Diary
16 June	Increased Income for Ex-Service Pensioners	17 June	Dispensing Doctors (Rural Areas)
22 June	Way Forward for Apprenticeships Egan Contractors (Housing) Criminal Justice Inspection's Report on Section 75	18 June	Scotland's Festivals Former Gurkha Soldiers' Rights
23 June	NI Assembly Code of Conduct Impact of Economic Downturn on NI businesses PSNI Full-time Reserve	24 June	Supporting Social Work
29 June	Private Security Industry Senior Civil Service Pay and Bonuses Racist and Sectarian Attacks	25 June	Commission on Scottish Devolution (Report) Hybrid Bills Mary's Meals
30 June	N/A	N/A	N/A
7 July	N/A	N/A	N/A

Committees

This section provides a breakdown of committee business in the Northern Ireland Assembly and Scottish Parliament.

Tables 3 and 4 detail the number of meetings, items, duration of meetings, average duration and average number of items in the statutory and standing committees of the Northern Ireland Assembly.

Removal of administrative items

To provide a fairer comparison with Scottish Parliament committees, certain 'administrative' items have been removed from consideration of the Northern Ireland statutory committees. These items are not recorded in the minutes of the Scottish Parliament committees and are

the apologies, minutes of previous meetings, matters arising, date and time of next meeting and AOB (correspondence has been retained as this item can take up enough time to make its inclusion valid).

Table 3: Northern Ireland statutory committees with administrative items removed from consideration

Committee	Meetings	Duration	Items	Average Duration	Average No. of items
Agriculture and Rural Development	11	24:30	64	02:13	5.8
Culture, Arts and Leisure	11	21:44	49	01:58	4.5
Education	11	32:05	46	02:55	4.2
Employment and Learning	10	18:07	26	01:48	2.6
Enterprise, Trade and Investment	9	22:08	64	02:27	7.1
Environment	9	29:35	77	03:17	8.6
Finance and Personnel	12	26:17	56	02:11	4.7
Health, Social Services and Public Safety	9	20:22	55	02:15	6.1
OFMdFM	10	18:49	34	01:52	3.4
Regional Development	9	22:33	56	02:30	6.2
Social Development	9	17:23	59	01:55	6.6
	110	253:33	586	2:18	5.3

Table 4: Information on standing committee business in the Northern Ireland Assembly, April 2009 to July 2009

Committee	Meetings	Time	Items	Average Length	Average No. of items
Assembly & Executive Review	9	08:27	70	00:56	7.8
Committee on Procedures	3	01:04	22	00:21	7.3
Public Accounts Committee	8	17:57	67	02:14	8.4
Committee on Standards and Privileges	9	09:02	74	01:00	8.2
	29	37:30	233	1:09	7.9

Tables 4 and 5 detail the number of meetings, items, duration of meetings, average duration and average number of items in the subject and mandatory committees of the Scottish Parliament.

Table 5: Information on subject committee business in the Scottish Parliament, April 2009 to July 2009

Committee	Meetings	Duration	Items	Average duration	Average no. of items
Economy Energy Tourism	9	24:44	25	2:44	2.8
Education Life Long Learning and culture	10	23:40	32	2:22	3.2
Health and Sport	9	25:31	33	2:50	3.7
Justice	10	32:18	61	3:13	6.1
Rural Affairs and Environment	8	16:18	36	2:02	4.5
Transport Infrastructure Climate Change	7	20:21	13	2:54	1.9
European and External Relations	4	6:32	26	1:38	6.5
Finance	9	23:01	33	2:33	3.7
Local Government and Communities	9	21:55	37	2:26	4.1
	75	194:20	296	2:35	3.9

Table 6: Information on mandatory committee business in the Scottish, April 2009 to July 2009

	Meetings	Duration	Items	Average duration	Average no. of items
Audit	6	12:41	38	2:06	6.3
Equal Opportunities	6	17:18	22	2:53	3.7
Public Petitions	5	12:28	20	2:29	4.0
Review of SPCB supported bodies	3	5:38	4	1:52	1.3
Standards Procedures Public Appts	4	4:26	17	1:06	4.3
Subordinate Legislation	9	3:35	52	0:23	5.8
	33	56:06	153	1:42	4.6

Assembly statutory committees sat in total for around 60 hours more than the subject committees of the Scottish Parliament. Assembly committees, on average, consider a greater number of items, even when administrative items are removed.

2 Recording attendance of members

None of the legislatures in the UK and Ireland record Members' attendance in the Chamber. Attendance is recorded for voting purposes but this does not necessarily give a fair reflection of Members' attendance over the course of a sitting, as they may only attend to vote.

The research has found that Freedom of Information requests have been submitted to the House of Commons and Scottish Parliament asking for the disclosure of attendance records. On both occasions, the replies have confirmed that neither the Commons nor Scottish Parliament hold such records².

In Dail Eireann, payment of the Travel and Accommodation Allowance (TAA) is verified by attendance at Leinster House but does not have to include sitting days.

Members must attend a minimum of 120 days annually to receive full payment of the TAA. The 120 days can be registered on any day that Leinster House is open to attend and is not specific to the sittings of the House. Attendance recording at Leinster House is by means of an electronic System for Recording Attendance (SRA) or signing a Daily Attendance Record located in the One Stop Shop. Members can register their attendance once daily at any time during the day or evening when Leinster House is open. Members, in general, attend on sitting days for plenary sessions of the Houses and on non-sitting days for a range of reasons related to their parliamentary duties e.g. to attend Committee meetings, to meet Ministers or to meet other parliamentary colleagues. Members may also attend without recording attendance on the system³.

3 Business in the House of Commons and Dail Eireann – an overview of a typical sitting week

The following tables give an overview of a typical week's business in the House of Commons and Dail Eireann. The busy schedule of the Commons places in context the ongoing inquiry by the Procedures Committee into sitting times and the parliamentary calendar.

2 http://www.whatdotheyknow.com/request/george_galloway_former_mp for House of Commons and <http://www.scottish.parliament.uk/help/FOIDisclosureFiles/13998/2008-013998%20disclosed%20reply.pdf> for Scottish Parliament

3 <http://www.oireachtas.ie/ViewDoc.asp?fn=/documents/members/20102527-2.htm&CatID=168>

Table 8: Order of Business in the House of Commons for week commencing 16 April 2012

	Commons Chamber	Committees	Westminster Hall
Monday (House sits at 2.30pm)	<p>2.30 - Questions to Education Secretary</p> <p>3.15 – Topical questions to Education Secretary</p> <p>3.30 – Urgent Questions (if any)</p> <p>Ministerial Statements (if any) – there were 10 to be made on this day</p> <p>Main business (until any hour)</p> <p>Finance (No. 4) Bill (second reading)</p> <p>Finance (No. 4) Bill (programme)</p> <p>10.00 – Deferred divisions</p> <p>Finance (No. 4) Bill (carry over)</p> <p>E-tabling of written questions</p> <p>Adjournment</p> <p>Electrification of the Midland Main Line (debate may continue until 10.30 or for 30 mins, whichever is later)</p>	<p>4.30 - European Committee B</p> <p>4.30 – Fourth Delegated Legislation Committee</p> <p>4.30 - Fifth Delegated legislation Committee</p> <p>Select Committees</p> <p>4.30 – Communities and Local Govt</p> <p>5.00 – Culture, Media and Sport</p>	N/A

	Commons Chamber	Committees	Westminster Hall
Tuesday (House sits at 2.30pm)	<p>Private Business Transport for London (Supplemental Toll Provisions) Bill</p> <p>Chairman of Ways and Means London Local Authorities and Transport for London (No. 2) Bill</p> <p>Questions to Foreign Secretary</p> <p>3.15 – Topical Questions to Foreign Secretary</p> <p>3.30 – Urgent Questions (if any)</p> <p>Ministerial Statements (if any) – there were 7 to be made on this day</p> <p>Preliminary Business 10 minute rule motion</p> <p>Main Business Legal Aid, Sentencing and Punishment of Offenders Bill (Programme) (no debate)</p> <p>Consideration of Lords Amendments</p> <p>Orders, Regulations and European Union Documents Pensions (no debate)</p> <p>Postal Services (no debate)</p> <p>Postal Services (no debate)</p> <p>Financial Services Credit Rating Agencies</p> <p>End of sitting Presentation of Public Petitions (no debate)</p> <p>Adjournment Cigarette packaging and contraband cigarettes (Debate may continue until 10.30 or for 30 mins, whichever is later)</p>	<p>4.30 – European Committee B</p> <p>10.30 – Sixth Delegated Legislation Committee</p> <p>4.30 - Eighth Delegated Legislation Committee</p> <p>Select Committees</p> <p>9.45 – Treasury</p> <p>10.00 – Energy and Climate Change</p> <p>10.00 – Foreign Affairs</p> <p>10.00 – Health</p> <p>10.00 – International Development</p> <p>10.00 – Transport</p> <p>10.15 – Culture, Media and Sport</p> <p>10.15 – Justice</p> <p>10.15 – Business, Innovation and Skills</p> <p>10.30 – Environment, Food and Rural Affairs</p> <p>10.30 – Public Administration</p> <p>10.40 – Home Affairs</p> <p>12.30 – Backbench Business Committee</p> <p>1.45 – Defence</p> <p>2.00 – International Development</p>	<p>Westminster Hall</p> <p>9.30 – 11.00 – High street bank branch closures in rural areas</p> <p>11.00 – 12.30 – Future of the Gangmasters Licensing Authority</p> <p>12.30 – 1.00 – Govt policy on higher rate taxpayers and child benefit</p> <p>1.00 – 1.30 – Sustainability of the London Olympics</p> <p>1.30 – 2.00 – Flood Defence funding</p>

	Commons Chamber	Committees	Westminster Hall
Wednesday (House sits at 11.30am)	<p>Questions to Secretary of State for Scotland Noon – Prime Minister's Questions 12.30 – Urgent Questions (if any) Ministerial Statements (if any) – 2 due on this day</p> <p>Preliminary Business 10 Minute Rule Motion</p> <p>Main Business Finance (No.4 Bill) Statistics Board (no debate) Education (no debate) European Commission Work Programme (no debate)</p> <p>Adjournment Selective dorsal rhizotomy in the NHS Debate may continue until 7.30 or for 30 mins, whichever is later</p>	<p>2.30 – Ninth Delegated Legislation Committee</p> <p>Select Committee 9.00 – Science and Technology 9.15 – Education 9.15 – Work and Pensions 1.45 – Defence 2.00 – Environment, Food and Rural Affairs 2.00 – Environmental Audit 2.00 – European Scrutiny 2.00 – Foreign Affairs 2.00 – Scottish Affairs 2.15 – Northern Ireland Affairs 3.00 - Speaker's Committee 3.00 – Public Accounts 3.00 – Procedure 4.45 - Selection</p>	<p>9.30 – 11.00 – Human Rights in Sri Lanka 11.00 – 11.30 – Flood defences in Exeter 2.30 – 4.00 – Inquest into the death of Kevin Williams at Hillsborough 4.00 – 4.30 – Fishing quotas and the case of Paul Gilson 4.30 – 5.00 – Cost of fuel duties in Northern Ireland</p>

	Commons Chamber	Committees	Westminster Hall
Thursday (House sits at 10.30am)	<p>Questions to Transport Secretary 11.05 – Topical Questions to Transport Secretary 11.15 – Questions to Women and Equalities Minister 11.30 – Urgent Questions (if any) Business Question to the Leader of the House Ministerial Statements (if any) – 4 statements due today Main Business Finance (No.4) Bill Presentation of Public Petition (no debate) Adjournment Armed Forces Covenant Debate may continue until 6.30 or for 30 mins, whichever is later</p>	<p>8.55 – Tenth Delegated Legislation Committee Select Committees 9.15 – Liaison Committee 9.45 – Political and Constitutional Reform</p>	<p>2.30 – 5.30 - Cycling</p>

Please note that the following table provides information for the week beginning 23 April 2012.

Table 9: Order of Business in Dail Eireann for week commencing 23 April 2012

	Dail	Committees
Monday	N/A	N/A
Tuesday (Dail sits at 2.00pm)	<p>2.00 - Questions (Minister for Public Expenditure and Reform)</p> <p>3.15 – Leaders Questions</p> <p>3.36 – Questions to Taoiseach</p> <p>4.36 – Order of Business</p> <p>5.06 – Topical Issues</p> <p>Motion: Rota change (no debate)</p> <p>Social Welfare and Pensions Bill (Second Stage)</p> <p>Motion: Committee Stage of Social Welfare and Pensions Bill 2012</p> <p>Private Members Business: Motorist Emergency Relief Bill 2012 (Fianna Fáil)</p> <p>9.30 – Dail adjourns</p>	<p>2.00 - Communications, Natural Resources and Agriculture</p> <p>2.00 - Education and Skills (Sub-Committee)</p> <p>2.15 - Environment, Transport, Culture and the Gaeltacht</p>
Wednesday (Dail sits at 10.30)	<p>10.30 – Leaders Questions</p> <p>10.51 – Order of Business</p> <p>Social Welfare and Pensions Bill 2012</p> <p>1.30 – SOS</p> <p>2.30 – Questions to Minister for Social Protection</p> <p>3.45 – Topical Issues</p> <p>4.33 – Morning Business continued</p> <p>7.30 - Private Members Business: Motorist Emergency Relief Bill 2012</p> <p>Afternoon business continued</p> <p>10.30 – Dail adjourns</p>	<p>9.30 - Jobs, Social Protection and Education</p> <p>10.00 - Communications, Natural Resources and Agriculture</p> <p>10.30 - Environment, Transport, Culture and the Gaeltacht</p> <p>3.30 - Finance (Sub-Committee)</p> <p>3.30 - Justice, Defence and Equality</p> <p>2.00 - Sub-Committee on the Referendum on the Intergovernmental Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (Sub-Committee of the Joint Committee on European Union Affairs)</p>

	Dail	Committees
Thursday (Dail sits at 10.30)	<p>10.30 – Leaders Questions 10.51 – Order of Business 11.11 - Social Welfare and Pensions Bill 2012 3.42 - Statements re Government's Proposals for the Establishment of Irish Water and Water Metering Programme 5.42 – Topical Issues 6.30 - Questions to Minister for Jobs, Enterprise and Innovation 7.45 – Dail adjourns</p>	<p>9.30 - Sub-Committee on the Referendum on the Intergovernmental Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (Sub-Committee of the Joint Committee on European Union Affairs) 10.00 - Members' Interests of Dáil Éireann 10.00- Public Accounts 10.30 - Communications, Natural Resources and Agriculture 11.30 - Health and Children 2.00 - Finance, Public Expenditure and Reform</p>
Friday		<p>10.00 - Sub-Committee on the Referendum on the Intergovernmental Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (Sub-Committee of the Joint Committee on European Union Affairs) 11.00 - Implementation of the Good Friday Agreement</p>



Northern Ireland
Assembly

Research and Information Service Briefing Paper

Paper 000/00

3rd May 2012

NIAR 327-12

Tim Moore & Ray McCaffrey

Electoral Constituencies

1 Introduction

This briefing paper was requested by the Assembly and Executive Review Committee following its meeting on 17 April 2012. It provides information relevant to consideration of the following issues:

- the impact of the Northern Ireland Assembly constituencies remaining linked to UK Parliamentary boundaries
- Possibility of using the new local Council/RPA boundaries for the MLA boundaries – how this might work (e.g. by varying the number of MLAs for some constituencies) and if there is any precedent on that model; and
- Possibility of creating MLA constituencies (and number of MLAs per constituency) using a ‘bottom up’ approach – that is firstly looking at the population of an area and then determining the number of MLAs needed to represent this population and if this, in turn, would significantly affect the proportionality of MLAs/number of voters in an area.

To address these questions the paper provides information on:

- Parliamentary Constituencies - Legislative Framework
- Parliamentary Constituencies - Projections
- Decoupling in Scotland and Wales
- New Local Government Boundaries
- District Magnitude

2 Parliamentary Constituencies - Legislative Framework

The legal framework which determines the number and distribution of UK Parliamentary constituencies is contained within the Parliamentary Voting System and Constituencies Act 2011 (the 2011 Act). This Act significantly amended the previous framework contained within the Parliamentary Constituencies Act 1986 (the 1986 Act)

Parliamentary Constituencies Act 1986

Schedule 2 of the 1986 Act¹, as enacted, set out rules for redistribution of seats. The first rule placed a control on the number of constituencies for parts of the United Kingdom.

Schedule 2 Rules for Redistribution of Seats

- 1(1)The number of constituencies in Great Britain shall not be substantially greater or less than 613.
 (2)The number of constituencies in Scotland shall not be less than 71.
 (3)The number of constituencies in Wales shall not be less than 35.
 (4)The number of constituencies in Northern Ireland shall not be greater than 18 or less than 16, and shall be 17 unless it appears to the Boundary Commission for Northern Ireland that Northern Ireland should for the time being be divided into 16 or (as the case may be) into 18 constituencies.

Section 86 of the Scotland Act 1998² made a number of significant changes to the rules contained in Schedule 2 of the 1986 Act. These changes included the removal of Rule 1(2) which meant that there was no longer a guaranteed minimum number of Scottish seats at

1 Parliamentary Constituencies Act 1986 (1986 c.56)
<http://www.legislation.gov.uk/ukpga/1986/56/contents/enacted>

2 Scotland Act 1998 (1998 c.46)
<http://www.legislation.gov.uk/ukpga/1998/46/contents>

Westminster. In addition, further rules were altered with the effect that for the first Boundary Commission review of Parliamentary Constituencies undertaken following the enactment of the Scotland Act 1998 the electoral quota for England rather than a quota based on existing Scottish constituencies would be used to determine the appropriate number of Scottish seats at Westminster.

The Boundary Commission for Scotland submitted the final report of its Fifth Periodical Review to the Secretary of State for Scotland on 30 November 2004. The final recommendations contained within the report indicated that the number of Scottish seats should be reduced by 13 (from 72 to 59). The Parliamentary Constituencies (Scotland) Order 2005³ gave effect to the recommendations contained in report and as a consequence the House of Commons was reduced in size to 646 as the new constituencies came into being at the General Election on 5th May 2005.⁴

During the same periodic review (albeit reporting after the 2005 elections), the Boundary Commission for Northern Ireland did not recommend any changes to the number of constituencies in Northern Ireland (18) and the Boundary Commission for Wales recommended the retention of the same number of constituencies in Wales (40). The Boundary Commission for England recommended an increase of 4 in the number of constituencies in England (533). The present size of the House of Commons following the 2010 general election, therefore, was 650.

Parliamentary Voting System and Constituencies Act 2011

The Parliamentary Voting System and Constituencies Act 2011⁵ substantially amended the 1986 Act by, amongst other things, setting the number of parliamentary constituencies at 600 and prescribing a revised method for calculating the number of constituencies for each part of the UK. In relation to the provisions relating to the number and distribution of seats, the Explanatory Note which accompanies the 2011 Act states that:

Number and distribution of seats

47. Section 11 replaces the rules under which the four Boundary Commissions make recommendations as to how their part of the UK should be divided into constituencies, which are currently set out in Schedule 2 to the 1986 Act. The section substitutes a new Schedule 2. Rule 1 of the new Schedule 2 sets the number of constituencies in the UK at 600. Rule 2 provides for there to be less variation in the size of the electorate in each constituency than at present: the electorate of each constituency is required to be within 5% either side of the UK electoral quota. The UK electoral quota is the number of people in the UK on the electoral register published two years and ten months before the date by which the Commissions' reports are to be submitted less the electorate on that date of the protected constituencies named in Rule 6, divided by 596, i.e. the number of constituencies in the UK (600) less the four protected constituencies in rule 6.

48. Rules 3 and 8 prevent the Boundary Commissions from recommending constituencies that cross national borders and set out the procedure for calculating the number of constituencies which there are to be in each part of the UK. This is to be done by the Sainte-Laguë method. Under this method, the first constituency is allocated to the part of the UK with the largest electorate (that is to say, the part of the UK with the largest registered electorate). The next constituency and subsequent constituencies are allocated in the same way, except that the electorate of a part of the UK to which one or more

3 Parliamentary Constituencies (Scotland) Order 2005 (2005 No. 250 (S. 1)) <http://www.legislation.gov.uk/ukSI/2005/250/made>

4 Parliamentary constituency boundaries: the Fifth Periodical Review House of Commons Library (July 2010) Standard Note: SN/PC/03222 <http://www.parliament.uk/documents/commons/lib/research/briefings/snpc-03222.pdf>

5 Parliamentary Voting System and Constituencies Act 2011 (2011 c.1) <http://www.legislation.gov.uk/ukpga/2011/1/notes/division/1>

constituencies have already been allocated is divided by twice the number of seats already allocated to that part of the UK plus one. If two (or more) parts of the UK are equally entitled to a seat (or seats), the seat is allocated to that nation, of those that are tied, with the smaller or smallest electorate. The preserved constituencies set out in Rule 6 and their electorates are not included in the allocation process.⁶

For reference, Schedule 2 of the 1986 Act as amended by the 2011 Act is included as Appendix 1 to this paper.

The 2011 Act provided for a 5-year cycle of reviews by each of the boundary commissions and the Boundary Commission for Northern Ireland started its 6th review of parliamentary constituency boundaries on 4th March 2011. The review has to be completed before 1st October 2013 and the 2011 Act also prescribes the electorate to be used for the purposes of the review; the relevant electorate being that at the 1st December 2010 Parliamentary electorate. Application of the Sainte-Laguë formula as prescribed by the 2011 Act results in the allocation of seats as set out in Table 1 below.

Section 33 of the Northern Ireland Act 1998⁷ states that the members of the Assembly shall be returned for the parliamentary constituencies in Northern Ireland and that each constituency shall return six members. As it stands, therefore, the number of members of the Assembly will reduce from 108 to 96, as a result of losing two Westminster constituencies under the changes produced by the 2011 Act.

Table 1 Westminster Election Allocation of Seats (2015) by part of UK

Country	Electorate	Current allocation	New allocation
England	38,332,557*	533	500 (+2)
Northern Ireland	1,190,635	18	16
Scotland	3,873,387#	59	50 (+2)
Wales	2,281,596	40	30
Total	45,678,175	650	600
*The total electorate for England does not include the electorate of the Isle of Wight which will comprise 2 constituencies			
# The total electorate for Scotland does not include the 2 protected island constituencies which are exempt from the 5% electoral parity rule			

6 <http://www.legislation.gov.uk/ukpga/2011/1/notes/division/5/2/2>

7 Northern Ireland Act 1998 (1998 c.47)
<http://www.legislation.gov.uk/ukpga/1998/47/contents>

3. Parliamentary Constituencies - Projections

The amendments made to the 1996 Act by the 2011 Act mean that the allocation of seats to parts of the UK is determined solely on the basis of a mathematical formula. The number of seats in any part of the UK will be determined by the size of the electorate applied at the relevant period for each five yearly review. Variations in the size of the electorate, which itself will be determined by the size of the population eligible to vote and the level of registration within the eligible population, have the potential therefore to require a change in the number of seats in parts of the UK following each five year reviews.

It is worth noting that the system of electoral registration in Northern Ireland is different to that elsewhere in the UK. In Northern Ireland, electors are required to register on an individual basis and provide certain personal identifiers including National Insurance Number and signature. GB operates the 'household' registration system, whereby one member of a household can register all other eligible residents living there. Northern Ireland operated this system until 2002, and individual registration will be implemented in GB in 2014. In Northern Ireland, the first register published under individual electoral registration (IER) in December 2002 showed a decline of around 10%.

The total number of people registered to vote at the May 2011 Assembly election, however, was 1,210,009, an increase of 94,038 from the 2007 Assembly election and an increase of 114,458 from the 2003 Assembly election. It represented the largest number of people registered to vote at an election in Northern Ireland since individual electoral registration was introduced in 2002⁸.

The UK Government has responded to concerns that IER could see a significant number of people drop off the register in GB by putting in place safeguards:

We have learnt from the experience in Northern Ireland and are phasing in IER over two years. Existing electors will be invited to register under the new system in both the amended canvass in 2014 and the full household canvass in 2015 before they are removed from the register. In these canvasses we are funding extensive contact with all electors that will include invitations to register, reminders and door to door canvassing. This will be supported by an Electoral Commission publicity campaign⁹.

Furthermore, any potential drop in the number of people registered will not be evident until after the 2015 UK Parliamentary election, after which there would be time to rebuild the GB electoral register. However, the full impact of introducing IER in GB remains to be seen.

By way of showing a number of potential future scenarios, Research and Information Service (RaISe) has produced a simple projections model to demonstrate the potential outcome of this legislative change for Northern Ireland in subsequent years.

The methodology used to project the number of registered voters is as follows:

- 1) Calculate historic registration rates (2001 to 2011) by dividing the number of registered voters in each region by their respective age 16+ population estimates (figures obtained from Office for National Statistics) – the 16+ population is used as a proxy for the number of people eligible to vote as it is more convenient to apply than the 18+ population (the 18+ population figures could be used, but this would require a lot more work and is unlikely to change the projections greatly; in any case, no attempt is made to take account of non-residents, etc).

8 Electoral Commission, Report on the Northern Ireland Assembly election 5 May 2011, October 2011

9 <http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120123/text/120123w0001.htm>

- 2) Calculate projected registration rates using three scenarios:
 - a. Take the average for each region over the last five years (England – 91%; Wales – 93%; Scotland – 91%; and Northern Ireland – 83%) and hold these rates constant from 2012 onwards.
 - b. As above, but rates for England, Wales and Scotland reduced to Northern Ireland 83% rate from 2016 onwards (to show worst scenario impact for other regions switching to IER – the impact would not come into play until after the 2015 election under the current proposals).
 - c. As above, but rates for England, Wales and Scotland reduced by a more modest 5 percentage points (to show a more modest impact for other regions switching to IER).
- 3) Apply the projected registration rates to the age 16+ population projections to obtain the projected number of registered voters for each region.

These projections are then adjusted for the four exempt constituencies in England and Scotland and the “2C +1” iterative allocation formula is applied to calculate the projected number of constituencies for each region.

Tables setting out the overall results in terms of distribution of seats from each of the three scenarios are set out below.

Scenario 1

	Present	2011	2013	2015	2020	2025	2030	2035
England	533	502	503	504	504	505	506	508
Wales	40	30	30	29	29	29	29	28
Scotland	59	52	52	52	52	51	50	49
N Ireland	18	16	15	15	15	15	15	15
UK	650	600	600	600	600	600	600	600

Scenario 2

	Present	2011	2013	2015	2020	2025	2030	2035
England	533	502	503	504	504	504	506	507
Wales	40	30	30	29	28	28	28	28
Scotland	59	52	52	52	51	51	50	49
N Ireland	18	16	15	15	17	17	16	16
UK	650	600	600	600	600	600	600	600

Scenario 3

	Present	2011	2013	2015	2020	2025	2030	2035
England	533	502	503	504	504	504	505	507
Wales	40	30	30	29	29	29	29	28
Scotland	59	52	52	52	51	51	50	49
N Ireland	18	16	15	15	16	16	16	16
UK	650	600	600	600	600	600	600	600

The data upon which these outcomes are based is contained in appendices to this paper.

4. Decoupling in Scotland and Wales

The Scottish Parliament and National Assembly for Wales have ‘de-coupled’ their constituencies from Westminster constituencies. This means that the number of members in each legislature will not be affected by changes resulting from future application of the Sainte-Laguë method as prescribed by the 2011 Act.

The Scotland Act 1998 as enacted provided that one member of the Scottish Parliament would be returned for each constituency (under the simple majority system) and that Members of the Parliament for each region would be returned under the additional member system of proportional representation. Schedule 1 of the Scotland Act 1998 contained provisions setting out the constituencies and regions for the purposes of the Act. These were (a) the Orkney Islands (b) the Shetland Islands and (c) the parliamentary constituencies in Scotland, except a parliamentary constituency including either of those islands. The Schedule also provided that there would be eight regions (the European Parliamentary constituencies) and that seven regional members would be returned for each region.

The Scottish Parliament (Constituencies) Act 2004¹⁰ replaced the previous Schedule 1 of the Scotland Act 1998 with a new Schedule 1 which stated that there were to be 73 constituencies for the purposes of the Act. The constituencies being defined as (a) the Orkney Islands (b) the Shetland Islands and (c) the parliamentary constituencies in Scotland (except the constituency of Orkney and Shetland) provided for by Article 2 of and the Schedule to the Parliamentary Constituencies (Scotland) Order 1995 (S.I. 1995/1037) as at 11 April 1995 (the day it was made).

Under Schedule 1 to the Scotland Act 1998, as amended by the Scottish Parliament (Constituencies) Act 2004, the Boundary Commission for Scotland is responsible for reviewing the constituencies and regions of the Scottish Parliament, and making recommendations to the Secretary of State for Scotland. The Boundary Commission for Scotland, however, does not have the power to alter the total number of constituencies or to alter the fact that 2 of these constituencies will be the Orkney Islands constituency and the Shetland Islands constituency.

The rules that the Boundary Commission must follow when designing Scottish Parliament constituencies and regions, as provided for in the relevant schedule, are set out in the box below.

10 Scottish Parliament (Constituencies) Act (2004 c.13)
<http://www.legislation.gov.uk/ukpga/2004/13/contents>

Constituency rule 1 - council area boundaries

Rule 1 of the constituency rules requires us to take into account the boundaries of council areas. Therefore, one of our first considerations was how constituencies might fit within each of the council areas.

Constituency rule 2 - electoral parity

Rule 2 of the constituency rules requires that the electorate of a constituency must be as near the electoral quota (see 2.2) as is practicable, while having regard to rule 1.

Constituency rule 3 - geographical considerations

Rule 3 of the constituency rules enables us to make allowance for any special geographical considerations that may apply to a particular area.

Constituency rule 4 - local ties

Rule 4 of the statutory rules requires us to take account of inconveniences arising from alterations to constituencies, and local ties that would be broken by such alterations.

Regional rules

The first regional rule requires that each constituency is contained within a single region. Therefore, when designing regions we can only consider the different ways of combining whole constituencies.

The second regional rule requires that the electorate of each region must be as near to that of the other regions as is practicable, while having regard to special geographical considerations.

Source: Report of the first periodic review of Scottish Parliament boundaries

As required by law, before 30 June 2010, the Commission submitted its Report on the First Periodic Review of Scottish Parliament Boundaries¹¹ to the Secretary of State for Scotland on 26 May 2010; on the same day a copy was laid before the Scottish Parliament and the UK Parliament.

The Scottish Parliament, however, has no legislative competence in relation to the work of the Boundary Commission and it is the Secretary of State for Scotland who is required by the Scotland Act 1998 to lay before the UK Parliament, as soon as is practicable after receipt of the report, the draft of an Order in Council giving effect to the recommendations contained within it.

In relation to the National Assembly for Wales a similar decoupling has occurred. Section 13 of the 2011 Act made specific provision in relation to the National Assembly for Wales. This section amended section 2 (in addition to Schedule 1 and paragraph 1 of Schedule 11) of the Government of Wales Act 2006¹² to specify that the Assembly constituencies are the constituencies specified in the the Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006 (S.I. 2006/1041), as amended.¹³

The effect is that any future changes to Parliamentary constituencies made under the new rules introduced by the 2011 Act would not change the Assembly's local and regional constituencies and that the number of Assembly Members will remain at 60.

11 Boundary Commission for Scotland - Report of the first periodic review of Scottish Parliament boundaries (26 May 2010) http://www.bcomm-scotland.gov.uk/1st_holyrood/1st_holyrood.asp

12 Government of Wales Act 2006 (2006 c.32) <http://www.legislation.gov.uk/ukpga/2006/32/contents>

13 The Parliamentary Constituencies and Assembly Electoral Regions (Wales) Order 2006 (SI 2006 No. 1041) <http://www.legislation.gov.uk/uksi/2006/1041/contents/made>

5 New Local Government Boundaries

The Local Government (Boundaries) Act (Northern Ireland) 2008¹⁴ provided for the establishment of 11 local government districts in Northern Ireland and for the division of those districts into wards. The Act also provided for the appointment of a Local Government Boundaries Commissioner and prescribed a series of rules that had to be followed in determining the new boundaries.

On 24th April 2012, the draft Local Government (Boundaries) Order¹⁵ was laid in the Assembly. Figure 1 below sets out the Local Government Boundaries Commissioner's proposed boundaries, which with some modifications not affecting areas of residence are those contained in the Order.



The local government boundaries might be considered more stable than the UK parliament boundaries which given the 2011 and Table 2 below allocates 108/96/80 Members to each district based on the electorate at 2009.

14 Local Government (Boundaries) Act (Northern Ireland) 2008 (2008 c.7)
<http://www.legislation.gov.uk/nia/2008/7/contents>

15 Draft S.R. 2012 Local Government (Boundaries) Order (Northern Ireland) 2012
<http://aims.niassembly.gov.uk/statutoryrules/statutoryrules.aspx>

Table 2: District Electorate Allocation Determined Allocation of Seats

	Electorate (2009)	Electorate (%)	Members per District		
Antrim and Newtownabbey	85094	7.6%	8	7	6
Armagh, Banbridge & Craigavon	125860	11.2%	12	11	9
Belfast	190400	16.9%	18	16	14
Causeway Coast and Glens	88654	7.9%	9	8	6
Derry and Strabane	92593	8.2%	9	8	7
Fermanagh and Omagh	74414	6.6%	7	6	5
Lisburn and Castlereagh	83369	7.4%	8	7	6
Mid and East Antrim	89734	8.0%	9	8	6
Mid-Ulster	85850	7.6%	8	7	6
Newry Mourne and Down	107233	9.5%	10	9	8
North Down and Ards	102313	9.1%	10	9	7
Total	1125514	100.0%	108	96	80

From Table 2 it can be seen that, as districts vary in size, the number of MLAs per district could range from 5 to 18 depending on the overall number of MLAs distributed proportionately on the basis of electorate.

6. District Magnitude

Electoral districts which differ in terms of the number of representatives elected to the relevant legislature exist in other jurisdictions. For example, constituency seats in Dail Eireann are apportioned according to population figures derived from Census figures. There are currently 43 constituencies, 11 five-seaters, 15 four-seaters and 17 three-seaters.

There is currently an on-going review of Dail constituencies based on 2011 Census figures, with the latest review due for completion in June 2012. This review will be based on a reduction in the number of TDs, as announced by the Minister of the Environment. The Constituency Commission is therefore basing its work on a Dail of between 153 and 160 Members, as opposed to the current 166.

According to article 16 of the Irish Constitution, the ratio of population to TD has to be between 20,000 and 30,000. It is important to note that this is the entire population, not eligible voters. There are concerns that because some urban constituencies have large immigrant populations containing many non-voters there will inevitably be a discrepancy between the different parts of the country in terms of the ratio of TDs to voters¹⁶.

Commenting on the topic of electoral boundaries and the ideal number of representatives to be elected from each constituency (the district magnitude) the ACE Electoral Knowledge Network¹⁷ has noted that:

¹⁶ <http://www.irishtimes.com/newspaper/ireland/2012/0330/1224314100302.html>

¹⁷ According to its website, 'The ACE Electoral Knowledge Network is your portal to the world of elections. The ACE network promotes credible and transparent electoral processes with emphasis on sustainability, professionalism and trust in the electoral process. ACE offers a wide range of services related to electoral knowledge, assistance and capacity development'

The question regarding electoral districting is fundamental to the composition of government in all parliamentary systems. Electoral district magnitude is the first important decision that has to be taken. District magnitude refers to the number of representatives to be elected from one constituency, and thus determines an electoral system's ability to translate votes casted into seats won proportionally. In proportional electoral systems, it is important to find the balance between accountability and proportionality taking into account the political situation and party system in the respective country.

Using the whole country as one electoral district does indeed give the greatest degree of proportionality. But when the districts are made larger the problem is that the linkage – especially geographical - between elected members and his or her district grows weaker. Because of this paradox there has been a lively debate on the ideal electoral district magnitude. Most scholars agree that district magnitudes of between three and seven seats tend to work quite well, and it has been suggested that odd numbers work better than even numbers, particularly in a two-party system¹⁸.

18 <http://aceproject.org/electoral-advice/archive/questions/replies/621103637>

Appendix 1

Parliamentary Constituencies Act 1986, as amended

SCHEDULE 2

RULES FOR REDISTRIBUTION OF SEATS

Number of constituencies

- 1 The number of constituencies in the United Kingdom shall be 600.

Electorate per constituency

- 2 (1) The electorate of any constituency shall be -
- (a) no less than 95% of the United Kingdom electoral quota, and
 - (b) no more than 105% of that quota.
- (2) This rule is subject to rules 4(2), 6(3) and 7.
- (3) In this Schedule the “United Kingdom electoral quota” means -
- U/596
- where U is the electorate of the United Kingdom minus the electorate of the constituencies mentioned in rule 6.

Allocation of constituencies to parts of the United Kingdom

- 3 (1) Each constituency shall be wholly in one of the four parts of the United Kingdom (England, Wales, Scotland and Northern Ireland).
- (2) The number of constituencies in each part of the United Kingdom shall be determined in accordance with the allocation method set out in rule 8.

Area of constituencies

- 4 (1) A constituency shall not have an area of more than 13,000 square kilometres.
- (2) A constituency does not have to comply with rule 2(1)(a) if -
- (a) it has an area of more than 12,000 square kilometres, and
 - (b) the Boundary Commission concerned are satisfied that it is not reasonably possible for the constituency to comply with that rule.

Factors

- 5 (1) A Boundary Commission may take into account, if and to such extent as they think fit -
- (a) special geographical considerations, including in particular the size, shape and accessibility of a constituency;
 - (b) local government boundaries as they exist on the most recent ordinary council-election day before the review date;
 - (c) boundaries of existing constituencies;
 - (d) any local ties that would be broken by changes in constituencies;
 - (e) the inconveniences attendant on such changes.
- (2) The Boundary Commission for England may take into account, if and to such extent as they think fit, boundaries of the electoral regions specified in Schedule 1 to the European Parliamentary Elections Act 2002 (ignoring paragraph 2(2) of that Schedule and the references to Gibraltar) as it has effect on the most recent ordinary council-election day before the review date.

- (3) This rule has effect subject to rules 2 and 4.

Protected constituencies

- 6 (1) There shall be two constituencies in the Isle of Wight.
- (2) There shall continue to be -
- (a) a constituency named Orkney and Shetland, comprising the areas of the Orkney Islands Council and the Shetland Islands Council;
 - (b) a constituency named Na h-Eileanan an Iar, comprising the area of Comhairle nan Eilean Siar.
- (3) Rule 2 does not apply to these constituencies.

Northern Ireland

- 7 (1) In relation to Northern Ireland, sub-paragraph (2) below applies in place of rule 2 where -
- (a) the difference between -
 - (i) the electorate of Northern Ireland, and
 - (ii) the United Kingdom electoral quota multiplied by the number of seats in Northern Ireland (determined under rule 8), exceeds one third of the United Kingdom electoral quota, and
 - (b) the Boundary Commission for Northern Ireland consider that having to apply rule 2 would unreasonably impair -
 - (i) their ability to take into account the factors set out in rule 5(1), or
 - (ii) their ability to comply with section 3(2) of this Act.
- (2) The electorate of any constituency shall be -
- (a) no less than whichever is the lesser of -

N-A

and 95% of the United Kingdom electoral quota, and
 - (b) no more than whichever is the greater of -

N+A

and 105% of the United Kingdom electoral quota,
- where -
- N is the electorate of Northern Ireland divided by the number of seats in Northern Ireland (determined under rule 8), and A is 5% of the United Kingdom electoral quota.

The allocation method

- 8 (1) The allocation method referred to in rule 3(2) is as follows.
- (2) The first constituency shall be allocated to the part of the United Kingdom with the greatest electorate.
- (3) The second and subsequent constituencies shall be allocated in the same way, except that the electorate of a part of the United Kingdom to which one or more constituencies have already been allocated is to be divided by -

2C+1

where C is the number of constituencies already allocated to that part.

(4) Where the figure given by sub-paragraph (3) above is the same for two or more parts of the United Kingdom, the part to which a constituency is to be allocated shall be the one with the smaller or smallest actual electorate.

(5) This rule does not apply to the constituencies mentioned in rule 6, and accordingly -

(a) the electorate of England shall be treated for the purposes of this rule as reduced by the electorate of the constituencies mentioned in rule 6(1);

(b) the electorate of Scotland shall be treated for the purposes of this rule as reduced by the electorate of the constituencies mentioned in rule 6(2).

Interpretation

9 (1) This rule has effect for the purposes of this Schedule.

(2) The “electorate” of the United Kingdom, or of a part of the United Kingdom or a constituency, is the total number of persons whose names appear on the relevant version of a register of parliamentary electors in respect of addresses in the United Kingdom, or in that part or that constituency.

For this purpose the relevant version of a register is the version that is required by virtue of subsection (1) of section 13 of the Representation of the People Act 1983 to be published no later than the review date, or would be so required but for -

(a) any power under that section to prescribe a later date, or

(b) subsection (1A) of that section.

(3) “Local government boundaries” are -

(a) in England, the boundaries of counties and their electoral divisions, districts and their wards, London boroughs and their wards and the City of London,

(b) in Wales, the boundaries of counties, county boroughs, electoral divisions, communities and community wards,

(c) in Scotland, the boundaries of local government areas and the electoral wards into which they are divided under section 1 of the Local Governance (Scotland) Act 2004, and

(d) in Northern Ireland, the boundaries of wards.

(4) “Ordinary council-election day” is -

(a) in relation to England and Wales, the ordinary day of election of councillors for local government areas;

(b) in relation to Scotland, the day on which the poll is held at ordinary elections of councillors for local government areas;

(c) in relation to Northern Ireland, the day of an election for any district council (other than an election to fill a casual vacancy).

(5) The “review date”, in relation to a report under section 3(1) of this Act that a Boundary Commission is required (by section 3(2)) to submit before a particular date, is two years and ten months before that date.

(6) “The United Kingdom electoral quota” has the meaning given by rule 2(3).

(7) A reference in rule 6 to an area is to the area as it existed on the coming into force of Part 2 of the Parliamentary Voting System and Constituencies Act 2011

Appendix 2 – Scenario 1 Data

	2010	2011	2013	2015	2020	2025	2030	2035
Population aged 16+								
England	42467.7	42808.9	43507.9	44152.8	45599.9	47315.2	49218.5	51018.0
Wales	2458.4	2469.6	2497.3	2524.9	2580.2	2644.9	2715.5	2783.7
Scotland	4310.3	4339.1	4396.7	4443.0	4527.3	4628.1	4726.6	4814.1
N Ireland	1417.4	1427.6	1450.4	1470.9	1510.0	1555.5	1601.4	1639.2
UK	50653.8	51045.3	51852.2	52591.6	54217.3	56143.6	58262.1	60255.0
Registered Voters								
England	38443.5	38654.0	39445.1	40029.8	39215.9	40691.1	42327.9	43875.5
Wales	2281.6	2298.6	2318.1	2343.7	2270.5	2327.5	2389.7	2449.6
Scotland	3929.0	3941.6	4006.6	4048.9	3893.4	3980.1	4064.9	4140.1
N Ireland	1190.6	1213.0	1201.3	1218.3	1250.7	1288.4	1326.5	1357.7
UK	45844.7	46107.2	46971.1	47640.7	46630.6	48287.1	50109.0	51823.0
Reg voters/pop16								
England	0.91	0.90	0.91	0.91	0.86	0.86	0.86	0.86
Wales	0.93	0.93	0.93	0.93	0.88	0.88	0.88	0.88
Scotland	0.91	0.91	0.91	0.91	0.86	0.86	0.86	0.86
N Ireland	0.84	0.85	0.83	0.83	0.83	0.83	0.83	0.83
UK	0.91	0.90	0.91	0.91	0.86	0.86	0.86	0.86

	2010	2011	2013	2015	2020	2025	2030	2035
Registered Voters								
Isle of Wight	110.9	110.9	113.2	114.8	112.5	116.7	121.4	125.9
Orkney & Shetland	33.8	34.2	34.7	35.1	33.8	34.5	35.2	35.9
Western Isles	21.8	22.0	22.3	22.6	21.7	22.2	22.7	23.1
Voters excl exempt								
England	38332.6	38543.1	39332.0	39915.0	39103.4	40574.3	42206.5	43749.6
Wales	2281.6	2298.6	2318.1	2343.7	2270.5	2327.5	2389.7	2449.6
Scotland	3873.4	3885.4	3949.5	3991.2	3838.0	3923.4	4007.0	4081.2
N Ireland	1190.6	1213.0	1201.3	1218.3	1250.7	1288.4	1326.5	1357.7
No. of Constituencies								
England	533	502	503	504	504	504	505	507
Wales	40	30	30	29	29	29	29	28
Scotland	59	52	52	52	51	51	50	49
N Ireland	18	16	15	15	16	16	16	16
UK	650	600	600	600	600	600	600	600

Appendix 3 – Scenario 2 Data

	2010	2011	2013	2015	2020	2025	2030	2035
Population aged 16+								
England	42467.7	42808.9	43507.9	44152.8	45599.9	47315.2	49218.5	51018.0
Wales	2458.4	2469.6	2497.3	2524.9	2580.2	2644.9	2715.5	2783.7
Scotland	4310.3	4339.1	4396.7	4443.0	4527.3	4628.1	4726.6	4814.1
N Ireland	1417.4	1427.6	1450.4	1470.9	1510.0	1555.5	1601.4	1639.2
UK	50653.8	51045.3	51852.2	52591.6	54217.3	56143.6	58262.1	60255.0
Registered Voters								
England	38443.5	38654.0	39445.1	40029.8	37769.9	39190.6	40767.1	42257.6
Wales	2281.6	2298.6	2318.1	2343.7	2137.1	2190.7	2249.3	2305.7
Scotland	3929.0	3941.6	4006.6	4048.9	3749.9	3833.4	3915.0	3987.5
N Ireland	1190.6	1213.0	1201.3	1218.3	1250.7	1288.4	1326.5	1357.7
UK	45844.7	46107.2	46971.1	47640.7	44907.5	46503.1	48257.8	49908.5
Reg voters/pop16								
England	0.91	0.90	0.91	0.91	0.83	0.83	0.83	0.83
Wales	0.93	0.93	0.93	0.93	0.83	0.83	0.83	0.83
Scotland	0.91	0.91	0.91	0.91	0.83	0.83	0.83	0.83
N Ireland	0.84	0.85	0.83	0.83	0.83	0.83	0.83	0.83
UK	0.91	0.90	0.91	0.91	0.83	0.83	0.83	0.83

	2010	2011	2013	2015	2020	2025	2030	2035
Registered Voters								
Isle of Wight	110.9	110.9	113.2	114.8	108.4	112.4	117.0	121.2
Orkney & Shetland	33.8	34.2	34.7	35.1	32.5	33.2	33.9	34.6
Western Isles	21.8	22.0	22.3	22.6	20.9	21.4	21.8	22.2
Voters excl exempt								
England	38332.6	38543.1	39332.0	39915.0	37661.5	39078.2	40650.1	42136.4
Wales	2281.6	2298.6	2318.1	2343.7	2137.1	2190.7	2249.3	2305.7
Scotland	3873.4	3885.4	3949.5	3991.2	3696.4	3778.7	3859.2	3930.7
N Ireland	1190.6	1213.0	1201.3	1218.3	1250.7	1288.4	1326.5	1357.7
No. of Constituencies								
England	533	502	503	504	504	504	506	507
Wales	40	30	30	29	28	28	28	28
Scotland	59	52	52	52	51	51	50	49
N Ireland	18	16	15	15	17	17	16	16
UK	650	600	600	600	600	600	600	600

Appendix 4 – Scenario 3 Data

	2010	2011	2013	2015	2020	2025	2030	2035
Population aged 16+								
England	42467.7	42808.9	43507.9	44152.8	45599.9	47315.2	49218.5	51018.0
Wales	2458.4	2469.6	2497.3	2524.9	2580.2	2644.9	2715.5	2783.7
Scotland	4310.3	4339.1	4396.7	4443.0	4527.3	4628.1	4726.6	4814.1
N Ireland	1417.4	1427.6	1450.4	1470.9	1510.0	1555.5	1601.4	1639.2
UK	50653.8	51045.3	51852.2	52591.6	54217.3	56143.6	58262.1	60255.0
Registered Voters								
England	38443.5	38654.0	39445.1	40029.8	41341.8	42896.9	44622.5	46254.0
Wales	2281.6	2298.6	2318.1	2343.7	2395.0	2455.1	2520.7	2583.9
Scotland	3929.0	3941.6	4006.6	4048.9	4125.6	4217.5	4307.3	4387.0
N Ireland	1190.6	1213.0	1201.3	1218.3	1250.7	1288.4	1326.5	1357.7
UK	45844.7	46107.2	46971.1	47640.7	49113.1	50857.9	52776.9	54582.6
Reg voters/pop16								
England	0.91	0.90	0.91	0.91	0.91	0.91	0.91	0.91
Wales	0.93	0.93	0.93	0.93	0.93	0.93	0.93	0.93
Scotland	0.91	0.91	0.91	0.91	0.91	0.91	0.91	0.91
N Ireland	0.84	0.85	0.83	0.83	0.83	0.83	0.83	0.83
UK	0.91	0.90	0.91	0.91	0.91	0.91	0.91	0.91

	2010	2011	2013	2015	2020	2025	2030	2035
Registered Voters								
Isle of Wight	110.9	110.9	113.2	114.8	118.6	123.1	128.0	132.7
Orkney & Shetland	33.8	34.2	34.7	35.1	35.8	36.6	37.3	38.0
Western Isles	21.8	22.0	22.3	22.6	23.0	23.5	24.0	24.5
Voters excl exempt								
England	38332.6	38543.1	39332.0	39915.0	41223.2	42773.8	44494.4	46121.3
Wales	2281.6	2298.6	2318.1	2343.7	2395.0	2455.1	2520.7	2583.9
Scotland	3873.4	3885.4	3949.5	3991.2	4066.8	4157.4	4246.0	4324.5
N Ireland	1190.6	1213.0	1201.3	1218.3	1250.7	1288.4	1326.5	1357.7
No. of Constituencies								
England	533	502	5003	504	504	505	506	508
Wales	40	30	30	29	29	29	29	28
Scotland	59	52	52	52	52	51	50	49
N Ireland	18	16	15	15	15	15	15	15
UK	650	600	600	600	600	600	600	600



Northern Ireland
Assembly

Research and Information Service
Briefing Paper

Paper 000/00

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Tim Moore

Electoral Constituencies

Further Information on Decoupling in Scotland

1 Introduction

Following presentation to it of a paper entitled ‘Electoral Constituencies’, the Assembly and Executive Review Committee, at its meeting on the 8 May, agreed to commission further research seeking ‘...any evidence to suggest that the electorate in Scotland and Wales finds the separate boundaries for local/regional/Westminster elections (a ‘three-tiered system’) confusing’.

This paper provides information relating to coterminosity of electoral boundaries in Scotland, where the Local Governance (Scotland) Act 2004 decoupled Scottish Parliament constituencies from Westminster constituencies. Westminster elections based on the number of constituencies being reduced from 72 to 59, following the Boundary Commission’s Fifth Periodic Review, took place in 2005 and 2010. The paper also contains information on turn out at elections in Scotland.

As regards Wales, the Parliamentary Voting System and Constituencies Act 2011 de-coupled National Assembly for Wales constituencies from Westminster constituencies. The Boundary Commission won’t report on the new constituencies, however, until October 2013 and from then on the two sets of constituencies will be different.

2 Coterminosity of Boundaries

This section of the paper highlights information relating to consideration of the issue of coterminosity from the following sources:

- Consultation on the size of the Scottish Parliament (2001)
- Responses to consultation on the size of the Scottish Parliament (2001)
- Statement on the future size of the Scottish Parliament (2002)
- ‘Coincidence of Parliamentary Constituency Boundaries in Scotland and the Consequences of Change’ (The Scottish Affairs Select Committee Report 2004)
- Putting Citizens First: Boundaries, Voting and Representation in Scotland (the ‘Arbuthnott’ Commission Report 2006)
- Report on the First Periodic Review of Scottish Parliament Boundaries (2010)

Consultation exercise on the size of the Scottish Parliament¹

On 6 November 2001, the then Secretary of State for Scotland, Helen Liddell, announced that there would be a consultation exercise on the size of the Scottish Parliament.

The consultation document indicated that it would be important, in considering whether to retain or end the link between Westminster and Holyrood constituencies, to address the practical issues of how elected representatives could function if they did not have the common identity of constituency boundaries. In particular, views were sought on three questions:

- What would be the consequence of the reduction required by the Scotland Act on the operation of the Scottish Parliament, and in particular on the Committee system, the workload of MSPs, the service provided to constituents and the role of members elected from the list system?

¹ Scotland Office (2001) THE SIZE OF THE SCOTTISH PARLIAMENT - A CONSULTATION <http://www.scotlandoffice.gov.uk/scotlandoffice/files/Consultation%20-%20Final.pdf>

- What practical effect and issues would arise in their relationship as constituency representatives between MPs, MSPs and councillors if the present number of MSPs were to be retained and non-coterminous boundaries between Westminster and the Scottish Parliament constituencies created, and how could any difficulties be overcome?
- What are the implications where shared constituency boundaries are not in place for electoral administrators and local authorities in relation to the registration of voters and the conduct of elections, and what would need to be done to ensure the effective and efficient running of the democratic process?

Responses to Consultation exercise on the size of the Scottish Parliament²

Responses were received from 28 civic organisations and bodies, representing a wide range of interests across Scotland, and from 95 individual members of the public. Representations were also made by 7 individuals or bodies representing electoral administrators, including the Electoral Commission, and by 21 councils and COSLA. The Scottish Parliament and the Scottish Executive, 2 Parliamentary party groups and 27 individual MSPs replied, as did 1 Westminster party group and 18 MPs, and 3 other Parliamentarians (2 Lords and 1 MEP). Thirty two responses were received from political parties and local constituency organisations.

Civic Organisations and bodies

Amongst the comments set out in the '129 Reflection Group' response (which was endorsed by Action of Churches Together in Scotland, the Committee on Church and Nation of the General Assembly of the Church of Scotland, the Educational Institute of Scotland, the Methodist Church in Scotland, the Royal Incorporation of Architects in Scotland, the Scottish Pensioners' Forum, the United Free Church of Scotland, and the United Reform Church) was the view that:

Boundaries not being coterminous should not be a fundamental problem – as shown by considerable evidence from other countries. Scotland had a politically aware electorate that had long accepted that constituencies vary with the character of elections.

Other organisations which argued along the lines that there was no evidence that people in Scotland were unduly confused by non-coterminous boundaries and that existing electoral arrangements in Scotland already required electoral administrators to cope with non-coterminous boundaries included: the Institute of Governance, Edinburgh University; Professor John Curtice, of the Department of Politics, Strathclyde University; the Electoral Reform Society; Canon Kenyon Wright, Chair of the People & Parliament Trust and former Executive Chair of the Scottish Constitutional Convention; UNISON; the Scottish Council for Development and Industry; the Royal Institution of Chartered Surveyors in Scotland; the Third Sector Policy Officers Network; and the Equality Network

The Association of University Teachers (Scotland), however, argued that '...non-coterminous boundaries already made attempting to place universities in their appropriate constituencies confusing, and further differences would produce a chaotic system that would undermine the organisation of the democratic process'. The Scottish Episcopal Church argued that 'Non-coterminous boundaries would increase the bureaucratic burden on electoral administrators and local authorities, and lead to greater costs and waste money that could more usefully be applied elsewhere'. The Humanist Society of Scotland also believed that different boundaries for parliamentary constituencies could cause confusion for the electorate.

2

Scotland Office (2001) THE SIZE OF THE SCOTTISH PARLIAMENT - A CONSULTATION <http://www.scotlandoffice.gov.uk/scotlandoffice/files/Consultation%20-%20Responses%20draft%202b.pdf>

Electoral Administrators

Seven responses were received from either individual electoral administrators or bodies representing them, and the Electoral Commission. The paragraphs in the responses document relating to these are included for reference in their entirety in Appendix 1 to this paper.

The Electoral Commission, which is responsible for overseeing the conduct of elections, including to the Scottish Parliament, had no particular view on the issue of coterminous boundaries, but stated that it would be important in reaching decisions on these to ensure that the needs of the electorate and not administrative issues had priority.

The Association of Electoral Administrators (Scottish Branch) was in favour of retaining the position in the Scotland Act (coterminous boundaries) as was the Election Working Group of the Society of Local Authority Lawyers.

The one Electoral Registration Officer who responded stated that a profusion of boundaries was very confusing to the electorate and that electors found difficulty in relating to these boundaries.

One Returning Officer said that non-coterminous boundaries might increase voter confusion about their elected representatives and that non-coterminous boundaries might mean, in areas of cross-over, polling districts and polling places having to be reviewed.

Another Returning Officer was already used to operating with non-coterminous boundaries, but said that if the same boundaries were used then electoral administration in his authority would be greatly simplified and cross-boundary complications would be eliminated.

Another Returning Officer's view was that in any situation where the number of wards straddling Parliamentary boundaries increased, then the potential for error also increased.

The Executive

The Executive noted that the concerns about separate boundaries were legitimate, but in its view they were far from decisive. Electors, Returning Officers and the political parties, the Executive argued, already had to contend with different boundaries (and different electoral systems) for local, Parliamentary and European elections. There was no evidence that in practice this has led to any significant problems. In practical terms, therefore, the Executive did not see any reason why different constituency boundaries between Westminster and Holyrood should give rise to any serious difficulties either for political parties or for the constituents they served.

Parliamentary Groups and MSPs

Summarising responses from the Parliamentary Groups and MSPs the report states:

The general view was that there was no need for coterminous boundaries. While this would not be ideal or convenient, there were already differences and whatever problems would be created should not be insurmountable. It was believed that there was little evidence of significant problems or confusion for constituents and electors, although it was argued by some respondents that improved communications would be important and electors and constituents needed clear information on the boundaries and their representatives. The co-ordination of boundaries between Scottish Parliament constituencies and local government areas were seen by some to be more important for effective representation. It was acknowledged that there would be problems for political parties in organising themselves if there were differing Westminster and Scottish Parliament constituencies, but these could be limited by developing a more flexible or regional system. While coterminosity would be considerably more straightforward for the purposes of party organisation, these respondents said that the convenience of political parties should not be a significant consideration in deciding on such an important issue as the size of the Scottish Parliament and its stability.

Parties and administrators should be able to adapt to circumstances without any real problems. Maintaining an effective Parliament must take precedence.

Statement on the future size of the Scottish Parliament³

On the 18 December 2002 the then Secretary of State for Scotland (Mrs. Helen Liddell) made a statement to the House of Commons on the future size of the Scottish Parliament. In the statement she stated that:

Two strands emerge from the consultation. First, there is the need for stability. Among the civic and representative bodies that responded, the overwhelming view was that the Scottish Parliament should continue to operate with the present number of MSPs. The argument was put that a reduction would cause difficulties, especially to the Committee system, and that it would be unwise to destabilise the Parliament so early in its life by reducing its numbers. The respondents stated that a reduction would adversely affect the Parliament's scrutiny of legislation and the Executive's capacity to conduct inquiries or initiate legislation. They claimed that any reduction in the numbers of list MSPs would reduce proportionality and that the current structure should be maintained to give a proper balance of representation.

Secondly, it was acknowledged, not least by electoral administrators, that difficulties could arise if the boundaries for Westminster and Holyrood were not coterminous. Confusion could be caused to voters and there would be problems for political parties in relation to their organisation.

... I have weighed up carefully all the responses, and in view of the overwhelming body of opinion in favour of maintaining the current number of MSPs, I propose in the interests of stability to seek to amend the Scotland Act accordingly. However, I also take very seriously the concerns about the operation of different boundaries for Westminster and Holyrood. I therefore propose that an independent commission should be established to examine and make recommendations on issues caused by different boundaries for Westminster and Holyrood constituencies.

The Scottish Affairs Select Committee Report

In February 2004, the House of Commons Scottish Affairs Committee published the report '*Coincidence of Parliamentary Constituency Boundaries in Scotland and the Consequences of Change*'⁴ and in it the Committee noted that:

Both of the politically-neutral expert organisations in these matters, the Electoral Commission and the Association of Electoral Administrators, urge caution. The Commission's view was that:

"...there will be a need to explain to the public the different constituency boundaries. In order to mitigate against the potential confusion arising from the proposed changes, we believe that it will be essential to provide effective advertising and other public awareness activities at national and local levels..."

The AEA said:

"The lack of coincidence between Parliamentary Boundaries in Scotland is more likely to cause bewilderment for electors, especially those who reside in cross-boundary areas..."

3 Hansard 18 December 2002: Columns 859-60
http://www.scotlandoffice.gov.uk/scotlandoffice/files/Hansard%2018%20Dec%2002%20_2_.pdf

4 <http://www.publications.parliament.uk/pa/cm200304/cmselect/cmselect/cmselect/77/77.pdf>

10. The Committee concurs with the Electoral Commission that, should the proposed changes be adopted, an education campaign would be needed to explain the new boundaries to electors. However, the Committee believes that the best way to obviate any possible confusion is not to introduce the changes in the first place.
11. The Committee considers the convenience of the electorate to be paramount. Based on the evidence we have received, we recommend that, in order to avoid possible confusion, the constituency boundaries in Scotland for elections to the United Kingdom and to the Scottish Parliament should remain coterminous.

Commission on Boundary Differences and Voting Systems⁵

The Commission on Boundary Differences and Voting Systems was established to look into the consequences of having four different voting systems in Scotland, and different boundaries between Westminster and Holyrood. The Commission was chaired by Sir John Arbuthnott and the Commission published its report 'Putting Citizens First: Boundaries, Voting and Representation in Scotland' on 19 January 2006. Providing context to the work of the Commission the report noted that:

In 2005, boundary changes made as a result of devolution saw the number of Scottish constituencies returning members to the UK Parliament reduced from 72 to 59, whilst legislation was passed to ensure that the Scottish Parliament retained its 73 constituencies. As a result, virtually all Westminster and Scottish Parliament constituency boundaries are now different, having previously been the same. A different voting system will also be adopted from 2007 for Scottish local government elections (the single transferable vote). The Commission's report assesses the impact of these developments on voter participation and on relations between MPs/MSPs and Scottish public bodies and authorities; as well as the implications for representation of constituents by different elected members.

The Commission consulted widely: publishing a consultation document; commissioning primary research; holding meetings across Scotland; meeting with elected representatives; and interviewing a wide range of experts. Addressing the issue of coterminosity the Commission's report stated that:

We have heard no convincing argument that the boundaries for all Parliamentary contests in Scotland need to be the same. However, we do think there is a strong case for rationalising the very wide range of boundaries that apply to elections, to the delivery of services, and to the organisation of public bodies. We recommend therefore that the boundaries of all electoral divisions should be based on local authority areas, which should enable people to understand who represents them at every level of government. In addition, we want to see changes in the way constituency and regional MSPs operate. In particular, the existing Scottish Parliament regions need to be redrawn to provide a new basis for electing regional members in more relevant and serviceable areas. We recommend that a similar exercise should also be undertaken to redraw the boundaries of the existing Scottish Parliament constituencies. We expect this to provide a clearer service to people and to be in the interests of constituency and regional development.

Addressing the issue of coterminosity further, the Commission's report stated that:

Although the main evidence (rather than speculation) suggested to us that having different boundaries was not a critical issue, in view of there being some strong support for aligning these, the Commission thought it important to look at various options for achieving this.

5

<http://www.scotlandoffice.gov.uk/scotlandoffice/files/Final%20version%20of%20report.pdf>

- 2 MSPs for each new Westminster constituency (2 x 59), with 11 additional MSPs
- 60 constituency members and 60 (or 69) members from a regional or a national list
- A hybrid system, with single member rural constituencies and multi-member seats in the cities and urban areas

Having examined these options and considered the information gathered during the consultation process the Commission report set out the following 'Conclusions on Coterminosity'

3.16 Having reviewed the possible alternative structures, the Commission concluded that, even if having coterminous boundaries between Westminster and Holyrood constituencies were to be accepted as a desirable objective, none of the options considered above could provide an appropriate or positive solution to the range of concerns which we had been asked to address. In particular, they would either reduce proportionality in the Parliament to an unacceptable extent, lead to an unacceptable reduction in the number of MSPs, or potentially increase tensions between constituency and regional members. They would also all lead to subsequent changes to the Scottish Parliament constituencies being inevitably and, as we argue below, inappropriately Westminster-led. We therefore rejected them all.

3.17 The Commission also came to the conclusion that no convincing case had been made that having the same boundaries for Scottish Parliament and Westminster constituencies was of such importance that there was a need to realign them, or that this concern should be the driving force behind change to the present electoral system for the Scottish Parliament.

3.18 In particular, there is no convincing case that having different sets of boundaries, as such, lead to any significant confusion for voters during elections, or to constituents being unclear when seeking advice and support from their elected representatives. (So far as representation is concerned, whether in constituencies with or without the same boundaries, each constituent still has one MP, one constituency MSP and the choice of 7 regional MSPs to represent him or her.)

3.19 While we acknowledge that having the same boundaries for Holyrood and Westminster would avoid some difficulties for political parties, party workers and electoral administrators – who we certainly see as important to the proper operation of the democratic process – we do not accept that issues of administrative convenience should be a determining factor in deciding on the appropriate electoral system and structure for our nation's democracy. In any event, the evidence considered by the Commission persuaded us that whatever additional difficulties might arise from having different sets of Westminster and Holyrood boundaries should not be insurmountable and could be addressed through improved voter education, training, and restructuring of electoral administration and organisation.

3.20 However, we do strongly believe, in agreement with many who gave evidence to us, that having a more coherent approach to the overall structuring of boundaries could lead to significant benefits. But we do not accept that Westminster constituencies are the best basis for delivering these improvements as they are the least likely to reflect communities and their needs.

Based on these findings, the Commission made the following four 'Boundaries Recommendations'.

- Having the same constituencies for the Scottish Parliament and Westminster is desirable but not essential and should not be a driver of change to the electoral system for the Scottish Parliament.
- The boundaries for Scottish Parliamentary constituencies should be within and respect local authority areas rather than Westminster constituencies.
- The Scottish Parliament regions should be revised to reflect natural local communities and identity and should be built on local authority areas.

- The functions of the Boundary Commission for Scotland and the Local Government Boundary Commission for Scotland should be combined to enable the constituencies and regions for the Scottish Parliament and local authorities to be reviewed together. Consideration should also be given to integrating the review of Westminster constituencies in Scotland into this process.

The Secretary of State for Scotland response to these recommendations stated that:

The Government is pleased to note that the Commission was able to confirm that having different boundaries between the constituencies of the House of Commons and those of the Scottish Parliament is not a matter which requires further action and should not drive change to the electoral system for the Scottish Parliament.

Regarding greater alignment between the Scottish Parliament constituencies and local authority areas in Scotland, these matters are covered in the Scottish Government response. Any action which might need to be taken by the UK Government will depend on the outcomes of work being taken forward by the Executive. Consideration of possible new structures for the regions for Scottish Parliament elections and the future review of constituency boundaries would also follow from this.⁶

Report on the First Periodic Review of Scottish Parliament Boundaries⁷

Under Schedule 1 to the Scotland Act 1998, as amended by the Scottish Parliament (Constituencies) Act 2004, the Boundary Commission for Scotland is responsible for reviewing the constituencies and regions of the Scottish Parliament, and making recommendations to the Secretary of State for Scotland. The Commission submitted its Report on the First Periodic Review of Scottish Parliament Boundaries to the Secretary of State for Scotland on 26 May 2010; on the same day a copy was laid before the Scottish Parliament and before the UK Parliament on 1st July. Amongst the recommendations and analysis section of the report the Commission noted that of the 73 recommended constituencies, 61 were each contained within a single council area, while the others each include parts of 2 council areas. Fifty seven of the constituencies existing at the start of the review were each contained within a single council area, 14 included parts of 2 council areas, while the other 2 included parts of 3 council areas.

3 Turnout at Scottish Elections

	Local Government	Scottish Parliament (constituency vote)	Westminster
1997			72.6**
1999	*59.4	58.2**	
2001			58.1**
2003	*49.2	49.4**	
2004	The Local Governance (Scotland) Act 2004 changed the existing electoral system used for local government elections in Scotland from first past the post system to a Single Transferable Vote (STV) system of proportional representation. The Act also decouples Scottish Parliament Constituencies from Westminster Constituencies		

6 <http://www.scotlandoffice.gov.uk/scotlandoffice/10198.html>

7 Boundary Commission for Scotland - Report of the first periodic review of Scottish Parliament boundaries (26 May 2010) http://www.bcomm-scotland.gov.uk/1st_holyrood/1st_holyrood.asp

2005			60.8**
	First election based on number of Westminster constituencies reduced from 72 to 59 following recommendation of Boundary Commission Fifth Periodic Review		
2007	52.8***	51.7**	
	Third set of elections to the Scottish Parliament and local government to be held on the same day. Some significant changes were implemented at these elections: the elections to local councils saw the introduction of the single transferable vote (STV) system, while the Scottish Parliamentary election saw the introduction of a combined ballot sheet on which both the regional and constituency ballot papers were included. Both elections were counted electronically for the first time. Problems, including high number of spoilt votes, at these elections were subject to reviews by Electoral Commission and an independent review of the electoral processes and administration of the election conducted by Mr Ron Gould.		
2009	Scottish Local Government (Elections) Act 2009 decoupled local government elections in Scotland from elections to the Scottish Parliament		
2010			63.8**
2011		50.4**	
2012	Local Government elections held May but turnout not collected centrally		

* Plymouth University <http://www.research.plymouth.ac.uk/elections/elections/turnouts.htm>

** Scottish Parliament Information Center (SPICe)

http://www.scottish.parliament.uk/Electionresults/2011%20election/5_Turnout_Region.pdf

*** Scottish Parliament Information Center (SPICe) <http://www.scottish.parliament.uk/SPICeResources/Research%20briefings%20and%20fact%20sheets/SB08-12.pdf>

Appendix 1 – Responses to consultation on the size of the Scottish Parliament

Response of electoral administrators

Electoral Administrators

40. Seven responses were received from either individual electoral administrators or bodies representing them, and the Electoral Commission.
41. The new Electoral Commission, which is responsible for overseeing the conduct of elections, including to the Scottish Parliament, had no particular view on the appropriate number of MSPs nor on the issue of coterminous boundaries, but stated that it would be important in reaching decisions on these to ensure that the needs of the electorate and not administrative issues had priority. It recognised that non-coterminous boundaries between Westminster and Scottish Parliament constituencies could create administrative problems that would need to be overcome. But of more importance, it stated, was ensuring a structure under which the electorate could exercise the franchise without undue difficulty or confusion.
42. The Association of Electoral Administrators (Scottish Branch) was in favour of retaining the position in the Scotland Act. In its view, if constituencies did not remain coterminous, an additional burden would be placed on electoral registration officers and returning officers in the production of the electoral register and conduct of elections, for which additional resources might be required for these to operate effectively. This problem would be exacerbated if there were to be combined elections for Westminster and Scottish Parliament constituencies. Electors might have to vote at different polling places, depending on the type of election, which could lead to voter confusion. More polling districts would be required to prevent this.
43. The Election Working Group of the Society of Local Authority Lawyers & Administrators in Scotland (SOLAR) was of the unanimous view that coterminous boundaries should be retained since these facilitated both the conduct of elections and the registration of voters. It stated that the absence of this link between the two boundaries would lead to difficulties in the preparation for and conduct of elections, and had concerns about different geographical boundaries, different registers of electors, different absent voters lists and the need for greater cross boundary working.
44. The one Electoral Registration Officer who responded stated that a profusion of boundaries was very confusing to the electorate and that electors found difficulty in relating to these boundaries. Having Westminster and Scottish Parliament boundaries the same would significantly reduce the confusion that existed about representation. He reported that at present every property on file had a polling area indicator, ward indicator, Parliamentary Constituency indicator, European Parliamentary Constituency indicator and, in most cases a Community Council indicator, plus the potential National Park Ward indicator. Adding yet another indicator would provide further room for confusion. All these divisions had to be shown on Electoral Registers and poll cards. Further, the more that parliamentary boundaries of different descriptions crossed local government areas, the more fragmented became the process of producing an Electoral Register and of running an election or by-election.
45. One Returning Officer said that non-coterminous boundaries might increase voter confusion about their elected representatives. Also, non-coterminous boundaries might mean, in areas of cross-over, polling districts and polling places having to be reviewed. This would lead to fragmentation of local government wards and smaller polling districts, with the consequence of an increase in polling places to be staffed and the costs of running elections. To ensure the effective and efficient running of the democratic process, this Returning Officer argued

that the following principles and practices were essential, whether or not there were coterminous boundaries:

- electoral wards should be the smallest unit from which all constituencies are built
- accessible information must be published on elected representatives and their areas of responsibility
- there should be pre-election voter information programmes
- increased resources should be made available for IT systems to support all areas of the electoral process
- increased training for all elections staff.

46. Another Returning Officer was already used to operating with non-coterminous boundaries, but said that if the same boundaries were used then electoral administration in his authority would be greatly simplified and cross-boundary complications would be eliminated. Where more than one Council area was involved, every stage of the procedure was more complex - the designation of polling places, the posting up of election material, the staffing of polling places, the issue and receipt of postal votes, the briefing of candidates and their agents, the separation of ballot papers prior to the verification and count, and the accounting procedure itself. He acknowledged, however, that although administering combined polls on the basis of existing constituency boundaries was difficult, it was not impossible, as had been demonstrated at the combined poll in 1999. However, operating cross-boundary elections was considerably more complex and more prone to error.
47. Another Returning Officer's view was that in any situation where the number of Wards straddling Parliamentary boundaries increased, then the potential for error also increased. In order to reduce the capacity for errors, Returning Officers needed to be involved in an additional level of co-ordination and training of polling staff to avoid confusion at polling stations which served more than one constituency. Care needed to be taken so as to ensure that electors received the correct ballot papers and, at close of Poll, arrangements needed to be made to ensure that the separate local government and parliamentary votes were delivered to the appropriate Returning Officer – all of which could lead to delays.



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