



Northern Ireland
Assembly

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Committee size and quorums

RaISe

1 Introduction

This briefing paper has been prepared following a request from the Committee on Procedures. The Committee asked for information on the following:

- The number of members on committees in the other devolved legislatures along with the House of Commons and Houses of the Oireachtas; and
- Issues relating to quorum on these committees.

Section 2 of the paper provides a summary of existing relevant research and commissioned reports on parliamentary committees.

Section 3 concludes the paper and presents issues for discussion.

2 Research on parliamentary committees

Much of the academic research on committees has, until the last decade, largely focused on the powerful committees of the US Congress. Available research on Westminster-style legislatures tends to focus on the how and why of committee assignments; overall effectiveness of committees; and the extent to which they are adequately resourced and equipped to carry out their functions. In the timeframe

available to undertake this research, little evidence was found that committee size and quorum have been the subject of sustained academic interest.

Examination of the structure of committees is more likely to be found in commissioned reports looking at potential reforms to institutions (as in the case of Scotland and Wales), or reports from committees themselves (for example, the House of Commons Liaison Committee). These are further explored below.

This section provides the legislative (where one exists) and procedural frameworks within which committees are established.

The House of Commons differs from the Scottish Parliament, National Assembly for Wales and Dail Eireann in that it establishes separate committees for scrutinising Bills. Committees in the other legislatures consider policy and proposed legislation.

Scottish Parliament

The Consultative Steering Group (CSG) on the Scottish Parliament, which was established to report on how a Scottish Parliament might work in practice, made a number of recommendations as to how committees might function. Broadly, the CSG envisioned strong committees combining both policy and legislative scrutiny and which had the power to initiate inquiries. Standing Orders would set out basic criteria including size and quorum.

In June 2017 the Commission on Parliamentary Reform published its *Report on the Scottish Parliament*. As part of its work it examined the role of committees in the Parliament, including their remit and size, with the benefit of almost 20 years of operation.

The Commission noted that critics of the committee system: “argue that party dynamics are more likely to be replicated within larger committees (roughly interpreted as being eight or more), thus preventing its members from developing a distinct committee identity. It is also argued larger committees are too unwieldy to discuss detailed and complex policy issues effectively...”.¹

It also reflected the counter-argument that: “Supporters of larger committees, however, argue that they enable all the parties in Parliament to have a voice and can provide additional scrutiny capacity if more diverse means of inquiry are adopted (such as sub-committees and reporters)”.²

The Commission itself stated that:

We believe a balance needs to be struck between party representation and ensuring committees are effectively constituted. We are also aware that some

¹ Commission on Parliamentary Reform, *Report on the Scottish Parliament*, June 2017: <https://parliamentaryreform.scot/>

² As above

MSPs are 'juggling' the workloads of two or more committees as a consequence of a smaller party securing a seat on a committee.

Over the sessions, the size of committees has varied, ranging from 15 to five on mandatory and subject committees. Generally, over the sessions, the numbers have been decreasing and in this session range from 11 members to five members.³

The Commission recommended that the Parliament should agree and make public a set of principles to inform:

- The decisions taken about the size of committees; for example, consideration might be given to larger committees where it is felt hearing all the parties' voices is important, such as in relation to constitutional issues.

In relation to diversity issues, the Commission recommended that committee membership should reflect the gender balance of MSPs in the Parliament.

The commentary on the size and remit of committees was underpinned by a recognition that committees can benefit from increased resources to better inform their scrutiny, including: "greater flexibility to incorporate external expertise and advice [which] could balance the technical evidence provided by officials and policy professionals with a more personal view about how legislation or policy impacts 'on the ground' at an individual or community level"⁴.

The Presiding Officer's Advisory Group's response to these recommendations was largely favourable with the Parliamentary Bureau agreeing that wherever possible committees should comprise no more than seven members, and that it will look at ways to further reduce membership. This would inform the establishment of committees at the start of the following session.⁵

Scottish Parliament

There are two main types of committee in the Scottish Parliament. 'Mandatory' committees, as the name suggests, must be established under Standing Orders. These include the Standards, Procedures and Public Appointments Committee, Finance Committee, Audit Committee, European and External Relations Committee, Equal Opportunities Committee, Public Petitions Committee and Delegated Powers and Law Reform Committee.

The other type of committee, 'subject' committees, generally correspond to a devolved policy area.

³ Commission on Parliamentary Reform, Report on the Scottish Parliament, June 2017: <https://parliamentaryreform.scot/>

⁴ As above

⁵ Presiding Officer's Advisory Group, Report on Parliamentary Reform, March 2019: <https://www.parliament.scot/abouttheparliament/110277.aspx>

Legislation

Section 6 of Schedule 3 of the Scotland Act 1998 provides for committees in the Scottish Parliament:

6 (1) Standing orders which provide for the appointment of committees may include provision for those committees to have power to appoint sub-committees.

(2) The standing orders shall include provision for ensuring that, in appointing members to committees and sub-committees, regard is had to the balance of political parties in the Parliament.

(3) The standing orders may include provision for excluding from the proceedings of a committee or sub-committee a member of the Parliament who is not a member of the committee or sub-committee.⁶

Standing Orders

Rule 6.3.2 of the Scottish Parliament's Standing Orders states:

Each committee other than a Private Bill Committee or a Hybrid Bill Committee shall have at least 5 but not more than 15 members.

Furthermore, Standing Order 6.3.1 states:

In proposing a member to be a committee member, the Parliamentary Bureau shall have regard to the balance of political parties in the Parliament and, where that member has expressed an interest in serving on that committee, to that member's qualifications and experience as indicated by that member.⁷

A Private Bill Committee has at least three but not more than five members.

Rule 12.2.1 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 3.⁸

Guidance on the operation of committees expands on this Standing Order:

4.36. The effect of this is that if attendance falls below three members during the course of a meeting, the committee can conclude the item of business under consideration, but the committee cannot vote on that item and cannot commence another item of business.

⁶ Scotland Act 1998: <http://www.legislation.gov.uk/ukpga/1998/46>

⁷ Standing Orders of the Scottish Parliament, September 2019

⁸ Standing Orders of the Scottish Parliament, September 2019: <https://www.parliament.scot/parliamentarybusiness/17797.aspx>

4.37. A member may be present at a committee, count towards the quorum and participate fully by means of video conference⁹.

Standing Orders also allow for the use of substitutes on select committees where a political party has two or more members on a committee.

Standing Orders allow for the establishment of sub-committees and these are:

subject to the same rules as other committees in relation to the ability to appoint a temporary convener, rights to attend, the role of substitutes, quorum, timing of meetings and powers to invite witnesses and documents. Sub-committees report to the committees which establish them (rather than directly to the Parliament).¹⁰

Table 1: Membership of Scottish Parliament committees

Committee	Number of Members
Committee on the Scottish Government Handling of Harassment Complaints	9
Culture, Tourism, Europe and External Affairs	9
Delegated Powers and Law Reform	5
Economy, Energy and Fair Work	9
Education and Skills	11
Environment, Climate Change and Land Reform	7
Equalities and Human Rights	7
Finance and Constitution	11
Health and Sport Committee	9
Justice Committee	9
Justice Sub-Committee on Policing	7
Local Government and Communities	7
Public Audit and Post-Legislative Scrutiny	7
Public Petitions	5
Rural Economy and Connectivity	11
Social Security	9
Standards, Procedures and Public Appointments	7

⁹ Guidance on Committees (Scottish Parliament): <https://www.parliament.scot/parliamentarybusiness/24414.aspx>

¹⁰ Guidance on Committees (Scottish Parliament): <https://www.parliament.scot/parliamentarybusiness/24407.aspx>

National Assembly for Wales

In December 2017 the Expert Panel on Assembly Electoral Reform published its report, *A Parliament that Works for Wales*. The Panel was tasked with examining and making recommendations on the following:

- the number of Members the Assembly needs;
- the most suitable electoral system; and
- the minimum voting age for Assembly elections.

As part of its work, the Panel looked at the size and capacity of committees in the National Assembly for Wales. The Panel “considered whether the Assembly’s overall capacity issues could be alleviated by reducing the size of committee memberships...”.¹¹ It referenced evidence supplied to it by the Sir Bernard Crick Centre for the Public Understanding of Politics which argued that:

*What makes an effective scrutiny committee cannot be reduced down to the number of members but it can be related to having sufficient members with sufficient time and energy to really commit to an area of policy and to forge meaningful relationships with other members.*¹²

The Panel nevertheless raised concerns that committees that are too small may have issues around achieving quorum on a consistent basis, while large committees might struggle to reach consensus.

As with the Commission on Parliamentary Reform in Scotland, the Expert Panel commented on the impact of members sitting on multiple committees. It highlighted the views of the Richard Commission (officially known as the Commission on the Powers and Electoral Arrangements of the National Assembly for Wales) which had recommended that Members should sit on just one major subject committee in order to develop subject expertise and facilitate better scrutiny.

The Panel commented on the commitments expected of AMs:

*The size of the Assembly makes membership of two, sometimes three, demanding committees inevitable for most backbench Members. This is damaging to the effectiveness of the Assembly. It constrains the time available for Members to read, research and prepare and has a corresponding effect on the capacity of Members to undertake high quality scrutiny, develop alternative policy thinking, and engage effectively with stakeholders and the public.*¹³

¹¹ The report of the Expert Panel on Assembly Electoral Reform, *A Parliament that Works for Wales*, December 2017: https://www.assembly.wales/en/abthome/about_us-commission_assembly_administration/panel-elec-reform/Pages/Assembly-Electoral-Reform.aspx

¹² As above

¹³ The report of the Expert Panel on Assembly Electoral Reform, *A Parliament that Works for Wales*, December 2017

It also recognised that the current (fifth) Assembly has 14 permanent committees, two more than the fourth Assembly. This increase was enabled by a reduction in the number of members on each committee compared to the fourth Assembly.

Section 29 of the Government of Wales Act 2006 required that, so far as reasonably practicable, the composition of committees reflected the political balance in the Assembly. This was repealed by the Wales Act 2017 to give the Assembly greater flexibility in deciding on the composition of committees. The Expert Panel noted the change but speculated that:

It...seems unlikely that the Assembly, in line with other legislatures, would move away from the principle that committees should reflect the overall political balance at least at an aggregate level, if not for individual committees.

The Expert Panel did in fact highlight a greater willingness to compromise on committee size at an individual in the current Assembly:

The decisions taken by the Assembly in relation to its Fifth Assembly committee structure reflect political compromises and a collective willingness to deviate from the strict requirement for balance. The Assembly has taken conscious decisions in respect of the size of each of its committees to balance their responsibilities with the practical realities of the Assembly's size...the variations in size represent negotiations and compromise made by parties willing to accept underrepresentation on individual committees in order to make the whole system viable.¹⁴

The Assembly's Business Committee is in the process of considering how to give effect to the legislative change. To date, Standing Orders have retained the provision that committees should, insofar as possible, reflect the balance of the political groups to which members belong.

During the course of its evidence gathering, the Expert Panel heard "that it would be reasonable to apply the following principles to committee membership:"

- i. Committee members should generally sit on no more than two committees;
- ii. Committee chairs should sit only on their own committee (unless harnessing their particular policy expertise, for example, to enhance financial scrutiny or the scrutiny of the First Minister.¹⁵

These principles were endorsed by the Panel.

¹⁴ The report of the Expert Panel on Assembly Electoral Reform, A Parliament that Works for Wales, December 2017

¹⁵ As above

Standing Orders

Standing Order 17 of the Assembly deals with the operation of committees. It states that:

The Assembly must consider a motion tabled by the Business Committee to agree the remaining membership of each committee [following the election of the Chair] established by a resolution of the Assembly, and alternate members for the responsible committee under Standing Order 22.¹⁶

Standing Orders 17.1 to 17.3 address the issue of quorum:

17.1 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.

17.2 A committee meeting must be declared inquorate if, at the beginning of the meeting, the Members present represent only one political group.

17.3 On declaring a meeting inquorate under Standing Order 17.31 or 17.32 the chair, or in the absence of the chair the clerk to the committee, must suspend the meeting until a quorum is present. But if a quorum is not present within 20 minutes, the meeting will stand adjourned. Where reasonable and appropriate to do so, the chair or, in the absence of the chair the clerk to the committee, may adjourn the meeting before that maximum time if it is clear that the committee will not be quorate within that period.¹⁷

Sub-committees are provided for in Standing Orders but:

17.18 No sub-committee may consist only of Members from the political group or groups with an executive role and every sub-committee must contain at least one Member from a political group with an executive role.

17.20 A sub-committee is regulated, as appropriate, by the Standing Orders relating to the committee of which it is a sub-committee.¹⁸

¹⁶ Standing Orders of the National Assembly for Wales, November 2019: <https://www.assembly.wales/en/bus-home/Pages/bus-assembly-guidance.aspx>

¹⁷ Standing Orders of the National Assembly for Wales, November 2019

¹⁸ As above

Table 2: Membership of National Assembly for Wales committees

Committee	Number of Members
Children, Young People and Education	6
Climate Change, Environment and Rural Affairs	6
Committee on Assembly Electoral Reform	4
Culture, Welsh Language and Communications	6
Economy, Infrastructure and Skills	6
Equality, Local Government and Communities	6
External Affairs and Additional Legislation	6
Finance Committee	7
Health, Social Care and Sport	6
Legislation, Justice and Constitution	4
Petitions	5
Public Accounts	7
Standards of Conduct	4

Committee for Scrutiny of the First Minister not included (which is chaired by the Deputy Presiding Officer and of which all committee chairs are members in an ex officio capacity).

House of Commons

The current departmental select committee system dates from 1979 when the House agreed to establish committees to scrutinise the expenditure, administration and policy of government departments.

Some of the most notable changes to House of Commons Select Committees (which include the departmental committees which mirror departments) have been the election of Chairs; the election within parties of committee members; changes to standing orders to quicken the process for establishing committees and the ability to remove committee members who attended less than 60% of meetings. These changes were first recommended in the Wright Committee report published in 2009.¹⁹

In its 2019 report on enhancing committee effectiveness, the Liaison Committee noted that although no member had been removed from a committee for failing to meet the 60% attendance rate, the rule had continuing value in setting an expectation of what was required from members.

The Liaison Committee also recommended that the Procedure Committee: “should report on how quotas might be used so as to require a minimum of three Members of

¹⁹ Select Committee on Reform of the House of Commons (Wright Committee): <https://www.parliament.uk/business/committees/committees-archive/reform-committee/>

every select committee to be male, and a minimum of three female following the initial ballot".²⁰

Standing Orders

There is a Commons Select Committee corresponding to each government department. These committees each have a minimum of 11 members, governed by Standing Order 152, and Standing Order 124 sets the quorum of select committees. It states:

Standing Order 124

(1) Except as otherwise provided, the quorum of a select committee shall be three or a quarter of the number of its members, whichever is the greater; and in calculating the quorum fractions shall be counted as one.

(2) Where more than two select committees or sub-committees thereof meet concurrently pursuant to sub-paragraphs (1)(b) or (1)(ba) of Standing Order No. 137A (Select committees: power to work with other committees), the quorum of each shall be two.

(3) A select committee may not proceed to business unless a quorum be present; and if at any time during the sitting of a select committee a quorum shall not be present, the clerk of the committee shall bring this fact to the notice of the chair, who shall thereupon suspend the proceedings of the committee until a quorum be present, or adjourn the committee²¹.

Different quorum rules apply to other types of committee and unlike the devolved legislatures, Commons select committees do not scrutinise draft legislation. This is considered by separate public bill committees.

Membership of Committees

House of Commons committees are in the process of being established following the general election in December 2019. The following table is based on information on membership at the end of the 2017-19 parliamentary session.

Not included in this table are other committees, membership of which can vary significantly. For example, the Liaison Committee had 36 members, the Exiting the European Union Committee had 21 and the Procedure Committee had 17.

²⁰ House of Commons Liaison Committee, *The effectiveness and influence of the select committee system*, September 2019: <https://www.parliament.uk/business/committees/committees-a-z/commons-select/liaison-committee/inquiries/parliament-2017/committee-system-effectiveness-17-19/>

²¹ Standing Orders of the House of Commons, 5 November 2019: <https://www.parliament.uk/business/publications/commons/standing-orders-public11/>

Table 3: Membership of House of Commons select committees

Committee	Number of Members
Administration	11
Business, Energy and Industrial Strategy	11
Defence	11
Defence Sub-Committee	11
Digital, Culture, Media and Sport	11
Digital, Culture, Media and Sport Sub-Committee	11
Education	11
Environment, Food and Rural Affairs	10
Finance Committee	11
Foreign Affairs	11
Health and Social Care	11
Home Affairs	11
Housing, Communities and Local Government	11
International Development	11
International Trade	11
Justice	11
Petitions	11
Privileges	7
Public Accounts	15
Public Administration and Constitutional Affairs	10
Science and Technology	11
Selection	9
Standards	14 (including 7 lay Members)
Transport	11
Treasury	11
Women and Equalities	11
Work and Pensions	11

Houses of the Oireachtas

The majority of committees in the Oireachtas comprise members from both the Dail and the Seanad.

Standing Order 84 provides for a motion to “specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it [and] state the quorum...”²²

Standing Order 97A sets out the quorum requirements of select committees:

Quorum of Select Committees.

97A. (1) Unless otherwise provided by these Standing Orders or by Order the Dáil, the quorum of a Select Committee or of a sub-Committee thereof, shall be three.

(2) A member of Dáil Éireann attending pursuant to Standing Order 95(3) shall not be counted for the purposes of determining a quorum.

*(3) A member of the Government or Minister of State attending pursuant to Standing Order 95(1) shall be counted for the purposes of determining a quorum.*²³

Standing Order 100 details the procedures to be followed in the absence of a quorum:

100. (1) If, within the lapse of a quarter of an hour after the time appointed for the meeting of a Standing, Select or Special Committee, a quorum is not present, the Committee shall stand adjourned and the Clerk attending the Committee, after entering the names of the members who attended in the minutes of proceedings of the Committee or recording the names in such manner as the Clerk to the Committee concerned may direct, shall convene a meeting for a subsequent day or for a later time on the same day.

*(2) If at any stage during a meeting of a Standing, Select or Special Committee, any member calls the attention of the Chairman to the fact that a quorum is not present, or if on the report of a division, such fact shall appear, and if after a lapse of time of not less than eight minutes, a quorum is still not present, the Chairman shall suspend the meeting to a later hour to be named by him or her, or shall adjourn the meeting without question put to a subsequent day; and no decision shall be considered to have been arrived at by such division; and the hour of such adjournment, as also the names of the members present, shall be entered in the minutes of proceedings of the Committee or recorded in such manner as the Clerk to the Committee concerned may direct.*²⁴

Table 4: Membership of Oireachtas committees

Committee	Number of Members (Dail)	Number of Members (Seanad)
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²² Standing Orders of Dail Eireann, January 2016: <https://www.oireachtas.ie/en/how-parliament-is-run/>

²³ As above

²⁴ Standing Orders of Dail Eireann, January 2016

Public Accounts	13	-
Agriculture, Food and the Marine	7	4
Arts, Heritage, Regional, Rural and Gaeltacht Affairs	7	4
Budgetary Oversight	14	-
Business, Enterprise and Innovation	7	4
Children and Youth Affairs	7	4
Climate Action	16	6
Communications, Climate Change and Environment	7	4
Culture, Heritage and the Gaeltacht	7	4
Education and Skills	7	4
Employment Affairs and Social Protection	7	4
European Affairs	7	4
Finance, Public Expenditure and Reform, and Taoiseach	7	4
Foreign Affairs and Trade, and Defence	7	4
Housing, Planning and Local Government	7	4
Justice and Equality	7	4
Key Issues affecting the Traveller Community	7	6
Members' Interests (Dail Eireann)	5	-
Procedure (Dail Eireann)	15	-
Public Petitions	6	3
Rural and Community Development	11	4
Implementation of the Good Friday Agreement	7	5
Irish Language, the Gaeltacht and the Islands	7	4
Transport, Tourism and Sport	7	4
Sub-Committee on Dáil Reform	15	-

Comparison of numbers of members on committees in the devolved legislatures

Table 5 provides a comparison of the numbers and percentage of members sitting on one, two and three committees in the devolved legislatures. Figures for Northern Ireland date from **2020**, figures for Wales and Scotland are from **2017**. Therefore, the number of committees for Wales and Scotland may not correspond directly to the figures in other tables in this paper.

Table 5: Comparison of committee membership in the Northern Ireland Assembly (2020), National Assembly for Wales and Scottish Parliament (2017).

	No. of committees	No. of Members	Number of Members sitting on:		
			One Committee	Two Committees	Three Committees
Northern Ireland Assembly	14	90	33 (37%)	40 (44%)	3 (3%)

National Assembly for Wales	12	60	12 (20%)	25 (42%)	7 (12%)
Scottish Parliament	16	129	51 (40%)	37 (29%)	5 (4%)

Source: Information for Scotland and Wales taken from *A Parliament that Works for Wales*.

Note: Figures for the Scottish Parliament and National Assembly for Wales are from **July 2017**. Figures for Wales exclude the Business Committee and the Scrutiny of the First Minister (which is chaired by the Deputy Presiding Officer and of which all committee chairs are members in an ex officio capacity). Figures for Scotland include one subcommittee, and exclude its equivalent of the National Assembly for Wales' Business Committee and committees established to scrutinise Private Bills. Figures for Northern Ireland are from **January 2020** and exclude the Business Committee, Chairpersons Liaison Group and Assembly Commission.

3 Conclusion

In the timeframe provided for this research, there was little evidence found of academic interest in the structure and composition of parliamentary committees in relation to numbers and quorums. Available research on Westminster-style committees tends to focus on issues of productivity, resourcing and effectiveness of committees.

The reviews examining the effectiveness of the Scottish Parliament and National Assembly for Wales did provide useful information on the structure of committees in those institutions. The report on the National Assembly for Wales considered the issue of members sitting on multiple committees from an overall membership of 60 Members and suggested that membership of more than one committee can undermine the ability of members to perform their duties effectively. The report on reform of the Scottish Parliament reflected the pros and cons of larger committees while recognising that the actual numbers on committees had fluctuated over the life of the Parliament, but that the trend has been towards smaller committees.

The quorum requirements in the other legislatures are lower compared to the Northern Ireland Assembly, although the National Assembly for Wales does require members of more than one political group to be present to achieve quorum.

Ultimately, while adhering to any statutory provisions, legislatures in the UK and Ireland have displayed a willingness to change their committee structures. In comparison, the Northern Ireland Assembly committee structure has been largely consistent. The prospect of additional committees provided for in the *New Decade, New Approach* document may bring the current structure into sharper focus. It could be argued that it is a matter for a legislature, again within any statutory constraints, to organise itself in the manner it sees fit to best undertake its work.