Committee on Procedures

Review of the current organisation of the business week of the Northern Ireland Assembly

Together with the Minutes of Proceedings and Written Submissions Relating to the Report

Ordered by the Committee on Procedures to be printed 29 April 2014 Report: NIA 175/11-15 (Committee on Procedures)

REPORT EMBARGOED
UNTIL COMMENCEMENT
OF DEBATE IN PLENARY

Mandate 2011/15 Third Report

Powers and Membership

Powers

The Committee on Procedures is a Standing Committee of the Northern Ireland Assembly established in accordance with paragraph 10 of Strand One of the Belfast Agreement and under Assembly Standing Order 54.

The Committee has the power to:

- Consider and review, on an ongoing basis, the Standing Orders and procedures of the Assembly;
- Initiate inquiries and publish reports;
- Republish Standing Orders annually; and
- Call for persons and papers.

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:

- Mr Gerry Kelly (Chairperson)
- Mr Trevor Clarke (Deputy Chairperson)
- Mr Jim Allister
- Ms Paula Bradley
- Mr Samuel Gardiner
- Mr Kieran McCarthy¹
- Mr Barry McElduff
- Mr Oliver McMullan
- Mr Alban Maginness
- Lord Morrow
- Mr George Robinson

With effect from 1 October 2013 Mr Kieran McCarthy replaced Mr Chris Lyttle.

List of Abbreviations

the Committee Committee on Procedures

AERC Assembly and Executive Review Committee

DUP Democratic Unionist Party

HOC House of Commons

NAW National Assembly for Wales

NIA Northern Ireland Assembly

SDLP Social Democratic and Labour Party

SOs Standing Orders

UKIP United Kingdom Independence Party

UUP Ulster Unionist Party

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Executive Summary

This report marks the completion of the Committee on Procedures' review of the current organisation of the business week in the Northern Ireland Assembly, which it agreed to undertake on 24 September 2013.

The review aimed to establish whether any opportunity existed to not only enhance Assembly effectiveness but also further its family friendly aspirations through better use of time during the normal business week.

To inform itself on these issues, the Committee considered written submissions from the Speaker, the House of Commons, the Houses of the Oireachtas, the National Assembly for Wales, the Scottish Parliament, the Business Committee, the Alliance Party, the Democratic Unionist Party, the Social Democratic and Labour Party, the United Kingdom Independence Party, the Ulster Unionist Party and the Executive Committee. Sinn Féin and individual Members gave their views orally at the meetings. Comparative research was also commissioned into scheduling of business in UK legislatures and the Dáil.

Members considered the views of stakeholders on current arrangements and examples of best practice. Every Parliament or Assembly operates within its own unique set of circumstances. The current arrangements for the Assembly of two plenary days, one of which should end at 6.00pm, combined with two committee days and one constituency day works well for Members and has become an established routine that allows Members to plan ahead and make best use of their time. The Committee therefore agreed that the existing model of the business week in the Northern Ireland Assembly is fit for purpose and therefore recommended that no changes be made to the current organisation of the business week within the Assembly.

Summary of Recommendations

- The Committee agreed that trying to predict when and how the business week should be amended to meet plenary variations was undesirable and therefore recommended that a standard business week be set for the duration of a mandate with no attempt to try and predict fluctuations.
- 2. The Committee recommended that while the scheduling of committee meetings during plenary time is not ideal and should be discouraged, changing the structure of the business week to accommodate extra time for committee meetings would not be desirable.
- 3. The Committee concluded that the current organisation of the business week is fit for purpose and recommended that no changes be made to the current organisation of the business week within the Northern Ireland Assembly.

Introduction and Background

- At the start of the 2011/15 mandate, the Committee on Procedures (the Committee) agreed
 to gather data on the duration of committee and plenary proceedings. This was done on foot
 of its predecessor's legacy report, with a view to monitoring late sittings and the impact of
 these on family friendly aspirations of the Assembly. This was ongoing in September 2013.
- 2. At its meeting of 24 September 2013, the Committee considered a letter from the Director of Clerking and Reporting, highlighting an Assembly and Executive Review Committee (AERC) report that had issued following that Committee's review of the Number of Members in the Assembly in 2012¹. The AERC had undertaken this review as part of a programme of Parliamentary reform.
- 3. Among other findings the report noted that, "in relation to plenary business, it was apparent from evidence considered (when comparing the Assembly to other legislatures) that there was some variety of practice in the scheduling of parliamentarians' business. The AERC therefore concluded that there may be opportunities to enhance Assembly effectiveness in this regard".
- 4. After considering the correspondence, research papers prepared as part of the AERC review² and a further research paper drafted to bring findings up to date³, the Committee agreed it would undertake a review of the current structure of the business week. It also agreed that it would be appropriate for this inquiry to include both the outstanding AERC issue and its own work in relation to family friendly aspirations.

Scope

- 5. The Committee was clear from the start that this inquiry would not include any aspect relating to the scheduling of business, which, under Standing Order 10(2)⁴, is clearly a matter for the Business Committee.
- 6. At its meeting on 22 October 2013, the Committee agreed an outline timeframe, an outline work programme and the following terms of reference:
 - To set out the current organisation of the business week of the Northern Ireland Assembly;
 - ii. To identify the key strengths and constraining factors of current arrangements;
 - To examine the models used in other legislatures for achieving balance between the competing pressures of the business week including plenary, committees and Members' party and constituency commitments;
 - iv. To propose alternative models designed to meet the specific needs of the Assembly, taking into account any wider implications of proposals as well as any potential for increasing flexibility, effectiveness and family friendly considerations; and
 - v. To make recommendations.
- 7. The Committee noted that, in common with other UK legislatures, some reference to the organisation of the business week was made in Standing Orders (SOs). However, by and large, this focussed on the timing of plenary proceedings, rather than the timing of committee

¹ AERC Committee report NIA 52/11-15

Scheduling Parliamentary Time – NIAR 229-12 (12 April 2012); Further Information on plenary and committee business in the NI Assembly and other legislatures – NIAR 274-12 (3 May 2012)

³ Further information on scheduling parliamentary time – NIAR 679-13 (18 September 2013)

⁴ NI Assembly Standing Orders

- meetings, which was commonly determined by convention and adapted in response to business needs.
- 8. The Committee further noted that the Belfast Agreement and Northern Ireland Act 1998 specified certain requirements for the establishment of committees and the need for these to be codified in SOs⁵. However, there was no reference to timing or frequency of meetings. Having established the background, the Committee was content that changes to the organisation of the business week could be considered without the need to consider amendments to existing legislation.

Committee Approach

- 9. It was agreed that the starting point for any review of the organisation of the Assembly business week is a recognition of the competing demands that constituency, party, plenary and committee responsibilities make on Members' time and a realisation that the emphasis placed on each of these priorities may vary from Member to Member.
- 10. As a result, the Committee agreed that trying to identify a model that met all individual Members' priorities would be virtually impossible, particularly as these would likely change between one mandate and the next. The Committee therefore agreed that it would be more appropriate to seek party views and to use these, together with other stakeholder responses, as a basis for its review.
- 11. The Committee agreed to place a public notice on the website and to invite written submissions from other legislatures, the Executive Committee, the parties represented in the Assembly and the Speaker/Business Committee.
- 12. In response to its call for evidence, the Committee received twelve submissions. These were from the Scottish Parliament, the Houses of the Oireachtas, the National Assembly for Wales (NAW), the House of Commons Procedure Committee (HOC), the Speaker, the Business Committee, the Alliance Party, Democratic Unionist Party (DUP), Social Democratic and Labour Party (SDLP), United Kingdom Independence Party (UKIP), Ulster Unionist Party (UUP) and the Executive Committee (the Executive). Sinn Féin and individual Members gave their views orally at the meetings.
- 13. To complement this evidence the Committee also considered comparative research on scheduling of business in other UK legislatures and the Dáil.

Section 29 of Northern Ireland Act 1998 – Statutory committees; Schedule 6 (4) of the Northern Ireland Act 1998 – Standing Orders: Further Provision; Paragraphs 8 and 10 of Strand One of the Belfast Agreement; Section 60 of the Northern Ireland Act 1998 and Section 66 of the Northern Ireland Act 1998.

Consideration of Key Issues

The current organisation of the business week of the Assembly

- 14. In order to facilitate examination of strengths and constraining factors of the Assembly model of the business week, the Committee considered the day-to-day activities of a typical week⁶.
- 15. The Committee noted that the current arrangement indicated equal importance attached to plenary and committee business, with two days being set aside weekly to each.
- 16. This model facilitated at least one full day for constituency work (potentially more depending on Members' committee commitments) while at the same time allowing a segment on Monday mornings up to noon, during which party meetings are currently scheduled.
- 17. In terms of family friendly practices the Committee noted two points. First, that by codifying a "normal" finishing time in Standing Orders (6.00pm on Monday⁷) family friendly aspirations were formalised. The Committee considered whether the finishing time on Tuesday should be subject to the same provision in Standing Orders as Monday sittings, namely, that a motion must be agreed to allow the sitting to be extended into the evening. The Committee considered data on adjournment times after 6.00pm in the last mandate and the current mandate, and concluded that as there were only a few really late sittings, there should be no change to the current arrangements for Tuesday finishing times. Second, having no plenary or Committee business scheduled for Monday mornings or Fridays meant that travel time from outlying constituencies was facilitated without the need to cut into weekends.
- 18. As a final point, the Committee noted that the inclusion of a break in plenary sittings at lunch time on Tuesdays allowed Members to conduct other business in Parliament Buildings (although it is worth noting that plenary could finish earlier if there is no lunch break). The SDLP⁸ highlighted this as a useful inclusion in the model noting it permitted time during the working day for engagement and All Party Groups.

Models used in other legislatures

- 19. The Committee looked at information relating to the structure of the business week operating in other legislatures⁹. This approach provided a useful basis for comparison with the Assembly model described previously.
- 20. The Committee examined these models and noted, as stated in the AERC report, that all the models differed from that operating in the Assembly. The Committee also noted that the models differed from each other and that in each case the model had been devised in response to specific requirements in that legislature. Interestingly, none were hailed by the respective legislatures as a perfect solution, with various shortcomings identifiable in each case.
- 21. In the DUP's submission¹⁰ to the Committee it was suggested that the unique landscape in which the NIA operated would necessitate a unique arrangement of the business week, suggesting that models in other legislatures were unlikely to be appropriate in their entirety, but should rather be examined for examples of best practice only. Having examined the models operating in the other legislatures and how they had been formulated, the Committee agreed.

⁶ Diagram 1 – included at Appendix 3

⁷ Northern Ireland Assembly Standing Order 10(2)

⁸ Stakeholder response included at Appendix 2

⁹ Diagram 2 – included at Appendix 3

¹⁰ Stakeholder response included at Appendix 2

22. Having reached this conclusion, the Committee then went on to examine the other legislative models for examples of best practice that had potential to be applied in the local context.

House of Commons

- Arrangements within the HOC have been reviewed recently¹¹, and three issues were highlighted as drivers for undertaking this work. These were the increasing constituency caseload for Members, the increasing pressure being put on the Backbench Business Committee on the time it is given by Government and a desire to sustain the current amount of business passing through the House.
- 24. The HOC model shows concurrent sittings of plenary and committee throughout the business week, which usually runs from 2.30pm on Monday afternoons to Thursday evening, with late sittings a frequent occurrence. The HOC response notes that there are thirteen Friday sittings during each session, which are used to consider Private Members' Business.
- 25. A major constraint identified was commuting time, hence the limited use of Monday mornings and Fridays for scheduled parliamentary business.
- 26. The HOC review recognised the difficulties involved in effectively combining the many and varied roles of a Member into a "9 to 5" working day, but also acknowledged that extending sitting hours excessively could have a detrimental impact on inclusivity.
- 27. The report concluded that the current balance provides an effective balance since there is a demonstrable inclusion of a wide variety of people from all walks of life and circumstances who have entered parliament under these arrangements. It therefore recommended that any radical change to sitting hours is undesirable, suggesting it may have perverse and unforeseen consequences.
- 28. The review also explored the suggestion that providing greater certainty of when Members were required to be present in the House may be helpful in this regard, and examined the option of greater use of deferred voting as a possible solution. Ultimately however, it recommended that this should not be done before looking at the matter separately, in more detail.
- 29. Interestingly, instead of suggesting the greater use of deferred voting, the review recommends "urging the Government to redouble its efforts to provide Members with accurate and timely information about the business which is to be taken in the Chamber"; a theme that was highlighted by the Speaker of the Assembly in his response to the Committee's inquiry.
- 30. Having examined the HOC model and response, the Committee concluded that while suitable for the UK Parliament with its larger geographical area, greater travelling times and unique requirements, the NIA model would not be enhanced by including any further aspects of the HOC model.

The Houses of the Oireachtas

- 31. The model applied in the Dáil is in some ways similar to that applied in the HOC, with concurrent plenary and committee sittings throughout the business week. In contrast though, the Dáil business week typically runs from Tuesday afternoon to Thursday evening with limited business taken every second Friday (four hour session in the morning intended for the debate of Private Members' Bills and committee reports). No business is conducted on Monday or after Friday lunchtime.
- 32. The driver highlighted for formulating the current model was to allow Members time in their constituencies from Friday to Monday, with Tuesday morning and Thursday evening being used for travelling.

¹¹ HOC Procedure Committee Report – Sitting Hours and the Parliamentary Calendar (First Report of Session 2012-13)

- 33. The Dáil response notes that while the model generally works, there are issues around the Friday sittings and the fact that plenary and committee sit concurrently. This, it says, requires that Members frequently have to choose between attending committee or a relevant plenary session. The response notes that consideration has been given to having a "Committee week" once a month to alleviate this problem, but that this would bring its own problems, given that committees still need to meet more frequently than once a month. Transferring Friday sittings to Tuesday morning was also mooted, but again not adopted.
- 34. Having examined the Dáil model and taken account of details provided in its response, the Committee concluded that while it was effective in a jurisdiction with a larger geographical area and greater travelling times than Northern Ireland, the NIA model would not be enhanced by including any aspects of the Dáil model.

National Assembly for Wales

- 35. The NAW response notes that the model operating in that jurisdiction was devised to facilitate dual legislative and policy scrutiny committees with specific attention being paid to avoiding committee membership clashes and, as far as possible, avoiding committee and plenary meeting at the same time. Other objectives highlighted are allowing sufficient plenary time to meet legislative deadlines and to facilitate travelling time for Members from outlying constituencies, while still allowing time for recess and meetings of political groups.
- 36. The NAW model sets aside Tuesdays, Wednesdays and Thursdays for committee meetings, with plenary on Tuesday and Wednesday afternoons, meaning that concurrent sittings must be facilitated. Mondays and Fridays are left for constituency business and travelling time, with only exceptional committee business scheduled on Monday afternoons if required.
- 37. The Committee was interested to note that the NAW had codified its family friendly aspirations in NAW Standing Order 11.10. This states that the Assembly timetable "must have regard to the family and constituency or electoral responsibilities of Members and their likely travel arrangements, and should normally seek to avoid timetabling business before 9.00am or after 6.00pm on any working day". However, the respondent pointed out that legislative business obviously takes priority and it has become common for plenary business to be scheduled for after 6.00pm, and later finishes are becoming more common.
- 38. The Committee agreed that while it was commendable to codify aspirations in such detail, it was obvious that in reality they had limited value and suggested that inclusion of any such detail in NIA Standing Orders would not provide added value.

Scottish Parliament

- 39. The Scottish Parliament response highlighted its report on the remodelling of the business week published on 21 December 2011 and noted two main changes resulting from the review. These were the introduction of a new Topical Question Time at the start of the first day of plenary business each week and, of greater interest, a reorganisation of plenary time to facilitate sittings each Tuesday, Wednesday and Thursday afternoon. Morning sessions on the same days were allocated to committee business and no business was scheduled for Monday or Friday.
- 40. The report highlighted its objectives in devising this new model as being to protect the parity of esteem given to Chamber and committee business and, second, to protect time for engagement with civic Scotland.
- 41. The review recognised that although some reduction of the time available for committee meetings would be introduced by this model, it was vital that concurrent sittings of plenary and committee be avoided as far as possible. Family friendly aspirations were achieved

- by defining a "normal" sitting day, which could be extended by laying a motion, rather than extending sitting times as a standard arrangement.
- 42. The changes that were introduced in September 2012 have been reviewed recently¹², and the conclusion of the Standards, Procedures and Public Appointments Committee report was that, overall, the reforms have been successful in creating a more responsive and agile Parliament.
- 43. Having examined the Scottish model and response, the Committee concluded that while suitable for the Parliament with its larger geographical area, greater travelling times and unique objectives, the NIA model would not be enhanced by including any aspects of the Scottish model.

Strengths and constraints of the current arrangements

- 44. Having examined other models, the Committee moved on to examine the model of the Assembly business week in conjunction with stakeholder submissions in order to identify strengths and constraining factors of current arrangements.
- 45. Of the twelve responses received from stakeholders, the four received from the other legislatures focussed on arrangements and models in operation in those organisations rather than strengths and constraints of the current Assembly arrangements. For this reason, input to this section of the review was limited.
- 46. The Committee was interested to note that in the remaining six responses a clear view was expressed that there was no compelling case for change in respect of current arrangements. This supported the Committee's emerging view, after examining models of other legislatures, that although each was effective in its own setting, there was nothing to be gained by mirroring any aspects in the NIA model.
- 47. The DUP stated specifically¹³ that the current arrangement is effective and that the balance is correct. The Executive¹⁴ response explains further, stating that there is general consensus that the current model is effective and provides an appropriate balance for Ministers and Members, and for the balance of plenary, committee, departmental and constituency business.
- 48. In addition to the general structure of the business week, the Committee also examined views on family friendly aspirations with a view to ensuring arrangements were as inclusive as possible. It noted that among the six main respondents considered in this section, there was consensus that family friendly considerations were important and should be taken into account wherever possible.
- 49. The Committee noted, with interest, the Executive view that the current structure of the business week is already broadly in accordance with family friendly aspirations and went as far as to suggest that changes were more likely to impact negatively on such practices rather than adding to them. The Committee noted that this view mirrored that expressed in the report by the HOC, highlighted above.
- 50. In addition to this general agreement in respect of the suitability of the existing model, the Committee noted points raised in stakeholder responses, which it was suggested may enhance existing arrangements. These were:

Standards, Procedures and Public Appointments Committee Report – Review of Parliamentary Reform – 1st Report, 2014 (Session 4)

¹³ Stakeholder response included at Appendix 2

¹⁴ Stakeholder response included at Appendix 2

a. Varying the business week over a mandate

The Alliance Party¹⁵ and the Executive suggested there may be value in varying the structure of the business week over the course of a mandate to make it more responsive to the peaks and troughs in plenary business.

However, the Committee noted the Speaker's¹⁶ response, which suggests the opposite. He suggests that it is better to ensure sufficient flexibility in standard arrangements to facilitate fluctuations in business over the course of a mandate rather than trying to predict peaks and troughs. The Speaker suggests that the real issue is the lack of a legislative programme for government which would ensure a more managed work flow programme for the Assembly. The Committee considered whether Standing Orders should include a provision requiring a debate on the Executive's proposed legislative programme at the start of each session, however it was not in favour of proposing such an amendment.

Having considered the conflicting proposals, the Committee agreed that trying to predict when and how the business week should be amended to meet plenary variations was undesirable and therefore recommended that a standard business week be set for the duration of a mandate with no attempt to try and predict fluctuations.

b. Greater use of deferred voting

The Alliance Party suggested that greater use of deferred voting in plenary had the potential to enhance the current model of business. The Committee noted that this deferral of all votes to a specific day, or until a specific time at the end of a business day could be considered, but agreed it would be more appropriate to take this forward as a separate issue as it did not affect the structure of the business week and was therefore strictly outside the remit of this review.

c. Prevention of concurrent scheduling of committee and plenary business

In its response the SDLP suggests that the practice of scheduling committee meetings during plenary time, particularly during Question Times should be stopped entirely.

The Committee examined the current model to determine the extent to which this occurs at present, and noted that such scheduling only affects three committees. Of these only one (Agriculture and Rural Development) meets weekly. The AERC meets every two weeks, not during Question Time, and the Audit Committee only meets four times a year.

The Committee recommended that while the scheduling of committee meetings during plenary time is not ideal and should be discouraged, changing the structure of the business week to accommodate extra time for committee meetings would not be desirable.

d. Sharing emerging findings with the Clerk/Chief Executive

The Committee noted the Speaker's suggestion that the ramifications of any changes to the NIA business week as a result of this review had the potential to impact on more than just Members. The Speaker suggested that the Committee consider sharing emerging findings with the Clerk/Chief Executive of the Assembly so that an impact assessment and resource implications can be considered.

An email cover note received together with the HOC response had also highlighted the impact changes to the structure of the business week could have, detailing how the HOC decision to shorten a single sitting day had also impacted on catering services (a 58% fall in sales on that day) and retail opportunities for visitors with earlier closing times in shops.

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Stakeholder response included at Appendix 2

¹⁶ Stakeholder response included at Appendix 2

The Committee recognised the importance of this issue and agreed to share all emerging findings with the Clerk/Chief Executive in a timely manner.

Conclusions

51. On the basis of the evidence presented, the Committee concluded that the discharge of core tasks and the effectiveness of plenary and committee work is challenged by the time and capacity of Members and the support and resources available to them. Evidence provided by parties and other stakeholders recognised this, but the overwhelming indication was that the current organisation of the business week is fit for purpose and the Committee therefore recommended that no changes be made to the current organisation of the business week within the NIA.



Appendix 1

Minutes of Proceedings of the Committee Relating to the Report

Tuesday 24 September 2013 Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)

Mr Trevor Clarke MLA (Deputy Chairperson)

Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Samuel Gardiner MLA
Mr Chris Lyttle MLA
Mr Barry McElduff MLA
Mr Alban Maginness MLA

Lord Morrow MLA

Mr George Robinson MLA

In attendance: Alison Ross (Clerk)

Neil Currie (Assistant Clerk)

Jonathan Watson (Clerical Supervisor) Jennifer Breslin (Clerical Officer)

1.00pm The meeting opened in public session.

1. Apologies

Mr Oliver McMullan MLA

The Chairperson welcomed Ms Bradley to the Committee. Ms Bradley confirmed that she had no financial or other interests, relevant to the work of the Committee, to declare. The Chairperson reminded Members of the on-going need to declare any interests which are relevant to the work of the Committee.

6. Scheduling of parliamentary business

The Committee considered a letter from the Director of Clerking and Reporting regarding the scheduling of parliamentary business within the Assembly. The letter requested that the Committee on Procedures considers this matter with a view to examining options and making recommendations to improve the effectiveness and focus of the scheduling of parliamentary business within the Assembly.

The Committee also considered some research into the scheduling of parliamentary business in other legislatures.

Agreed: It was agreed to conduct an inquiry into this matter, and the Clerk was asked to

prepare an inquiry plan (including draft Terms of Reference) for consideration at

the next meeting.

1:55pm The Chairperson adjourned the meeting.

Tuesday 22 October 2013 Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)

Ms Paula Bradley MLA Mr Samuel Gardiner MLA Mr Oliver McMullan MLA Mr Kieran McCarthy MLA

In attendance: Alison Ross (Clerk)

Neil Currie (Assistant Clerk) Jennifer Breslin (Clerical Officer)

1.10pm The meeting opened in public session.

1. Apologies

Mr Jim Allister MLA Mr Trevor Clarke MLA Mr Alban Maginness MLA Lord Morrow MLA Mr George Robinson MLA

The Chairperson welcomed Mr McCarthy to the Committee. Mr McCarthy confirmed that he had no financial or other interests, relevant to the work of the Committee, to declare. The Chairperson reminded Members of the on-going need to declare any interests which are relevant to the work of the Committee.

4. Scheduling of parliamentary business

Agreed: The Committee agreed:

- a) The Terms of Reference for the inquiry and that it would be entitled 'Review of the current organisation of the business week of the Northern Ireland Assembly'.
- b) The programme of work, and that a notice publicising the review would appear on the Assembly website only.
- c) The list of stakeholders who should be invited to submit written evidence.
- d) The draft letter to stakeholders.

The Committee considered statistics on the number of late sittings in the last mandate and so far in this mandate. The Committee was content to note the statistics as this issue will be considered as part of the review.

1:34pm The Chairperson adjourned the meeting.

Tuesday 26 November 2013 Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)

Mr Trevor Clarke MLA (Deputy Chairperson)

Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Samuel Gardiner MLA
Mr Barry McElduff MLA
Mr Oliver McMullan MLA
Mr Kieran McCarthy MLA
Mr Alban Maginness MLA

Lord Morrow MLA

In attendance: Alison Ross (Clerk)

Neil Currie (Assistant Clerk) Jennifer Breslin (Clerical Officer)

1.04pm The meeting opened in public session.

1. Apologies

Mr George Robinson MLA

6. Review of the current organisation of the business week

Agreed: It was agreed to defer consideration of the written submissions until the next

meeting. It was also agreed that the Chairperson could follow up any Party

Whips that have not replied by the deadline for responses.

1:56pm The Chairperson adjourned the meeting.

Tuesday 28 January 2014 Room 144, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)

Mr Trevor Clarke MLA (Deputy Chairperson)

Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Samuel Gardiner MLA
Mr Barry McElduff MLA
Mr Oliver McMullan MLA
Mr Kieran McCarthy MLA
Mr Alban Maginness MLA

Lord Morrow MLA

Mr George Robinson MLA

In attendance: Alison Ross (Clerk)

Neil Currie (Assistant Clerk) Jennifer Breslin (Clerical Officer)

1.02pm The meeting opened in closed session.

1. Apologies

None.

7. Review of the current organisation of the business week

The Committee considered the written submissions that had been received for the review, plus pictograms of the current business week models outlining the systems operating in the Assembly and other legislatures.

The Chairperson informed Members that a response from the Executive Committee was expected, but had not yet been received.

Agreed: It was, therefore, agreed to defer consideration of this matter until the next

meeting. It was also agreed that the Clerk could begin drafting an emerging

issues paper using the evidence that had been received to date.

1:52pm The Chairperson adjourned the meeting.

Tuesday 25 February 2014 Room 29, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)

Mr Jim Allister MLA
Ms Paula Bradley MLA
Mr Samuel Gardiner MLA
Mr Oliver McMullan MLA
Mr Kieran McCarthy MLA
Mr Alban Maginness MLA

Lord Morrow MLA

Mr George Robinson MLA

In attendance: Alison Ross (Clerk)

Neil Currie (Assistant Clerk) Jennifer Breslin (Clerical Officer)

1.00pm The meeting opened in closed session.

1. Apologies

None.

7. Review of the current organisation of the business week

The Committee considered the written submissions that had been received, plus a briefing paper summarising the main findings in the responses.

Agreed: It was agreed that no further evidence is required for the review and that the

Clerk could prepare a draft report for consideration at the next meeting.

1.28pm The Chairperson adjourned the meeting.

Tuesday 25 March 2014 Room 29, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)

Mr Trevor Clarke MLA (Deputy Chairperson)

Mr Jim Allister MLA Mr Samuel Gardiner MLA Mr Kieran McCarthy MLA Mr Barry McElduff MLA Mr Oliver McMullan MLA Mr Alban Maginness MLA

Lord Morrow MLA

Mr George Robinson MLA

In attendance: Nuala Dunwoody (Clerk Assistant)

Nick Mitford (Senior Assistant Clerk)

Neil Currie (Assistant Clerk)
Jennifer Breslin (Clerical Officer)

1.01pm The meeting began in closed session.

1. Apologies

Ms Paula Bradley MLA

3. Review of the current organisation of the business week

1.10pm Mr Gardiner joined the meeting.

The Committee considered an initial draft report and agreed some issues relating to the review.

Agreed: It was agreed to consider a revised draft report at the next meeting.

- **1.24pm** Mr Maginness joined the meeting.
- 1.40pm The Chairperson adjourned the meeting.

Tuesday 29 April 2014 Room 29, Parliament Buildings

Present: Mr Gerry Kelly MLA (Chairperson)

Mr Trevor Clarke MLA (Deputy Chairperson)

Ms Paula Bradley MLA Mr Samuel Gardiner MLA Mr Oliver McMullan MLA Mr Alban Maginness MLA

Lord Morrow MLA

Mr George Robinson MLA

In attendance: Nick Mitford (Senior Assistant Clerk)

Neil Currie (Assistant Clerk) Jennifer Breslin (Clerical Officer)

1.01pm The meeting began in closed session.

1. Apologies

Mr Kieran McCarthy MLA Mr Barry McElduff MLA

2. Review of the current organisation of the business week

The Committee read the draft report on the Review of the Current Organisation of the Business Week paragraph by paragraph.

Report:

Paragraphs 1 – 11, agreed

Paragraph 12, agreed, as amended

1.05pm Mr Maginness joined the meeting.

Paragraphs 13 - 49, agreed

Paragraph 50, agreed, as amended

Paragraph 51, agreed

Summary of Recommendations - agreed

Executive Summary – read and agreed, as amended

Agreed: The inclusion of the following appendices was agreed:

Appendix 1 – Minutes of Proceedings relating to the report

Appendix 2 – Written Submissions

Appendix 3 – Business week models in the Northern Ireland

Assembly and other legislatures

Agreed: Members ordered the report to be printed.

Agreed: It was agreed that the Chairperson and Deputy Chairperson could approve the

minutes for the part of today's meeting dealing with consideration of the draft

report, in order for an extract to be included in the report.

Agreed: It was agreed that the report should be embargoed until commencement of the

debate of the report in plenary.

Agreed: The motion to accompany the report's introduction to Assembly was agreed, as

follows: 'That this Assembly approves the Committee on Procedures' report on its Review of the Current Organisation of the Business Week of the Northern

Ireland Assembly'.

1.33pm The Chairperson adjourned the meeting.



Appendix 2 Written Submissions

Written Submissions

- 1. The Speaker
- 2. Business Committee
- 3. Alliance Party
- 4. DUP
- 5. SDLP
- 6. UKIP
- 7. UUP
- 8. Northern Ireland Executive Committee
- 9. House of Commons
- 10. Houses of the Oireachtas
- 11. National Assembly for Wales
- 12. Scottish Parliament

Written Submission from the Speaker - 3 December 2013

The Speaker



Office of the Speaker Room 39, Parliament Buildings Ballymiscaw, Stormont Belfast BT4 3XX

Tel: +44 (0) 28 9052 1130 Fax: +44 (0) 28 9052 1959 email: speaker@niassembly.gov.uk

Mr G Kelly MLA
Committee on Procedures
Room 33, Parliament Buildings
Ballymiscaw
Stormont
BELFAST
BT4 3XX

Dear Gerry,

03 December 2013

Review of the Current Organisation of the Business Week of the NI Assembly

You wrote to me on 23 October in my capacity as Chairperson of the Business Committee inviting me to contribute to the Committee Inquiry into the Assembly business week. The Business Committee has sent its response, as part of which I indicated that I wish to contribute in my role as Speaker. If you are content, I would like to let the Committee know my initial thoughts.

I am aware that the Committee is keen to explore how to make the most effective use of Members' time, given the wide range of plenary, committee, party and constituency duties that place heavy demands on Members. That is a worthwhile aim and I expect that the Committee will turn its attention at some stage to the current scheduling whereby Plenary business is held on Monday and Tuesday with committee business on Wednesday and Thursday.

There are certainly occasions where the plenary sitting is dominated by private members' business which can attract negative comment depending on the subject being debated. This has been the situation of late and may tempt Members or others submitting evidence to your inquiry to suggest that the plenary time should be reduced and replaced with perhaps committee time to allow members an extra constituency day. However, it is important that I highlight some potential major drawbacks to curtailing time available for plenary business.

Members will know from previous experience that equally, there can be other times – usually towards the end of a session or end of mandate – when the Order Paper is filled with Executive business requiring sittings to run late into the evening over a number of weeks. Therefore, I believe the Committee should be cautious about making changes to plenary which are based on the pattern of sittings at one particular point in the mandate because it could reduce the capacity and flexibility for the Assembly to carry out its important legislative and other work at other times.

SP280_13

This of course raises the question as to whether the main issue to be dealt with is the timing of plenary sittings or the management of business coming to the House. My view is clearly on the record about the need for the Executive to produce a legislative programme associated with Programme for Government to allow the Assembly to have a properly managed work programme.

My motivation in wishing to see a legislative programme is purely about the management of Assembly time and allowing for proper scrutiny. I appreciate that there are challenges presented by our model of Executive government but the coordination of parliamentary time between Executive departments is a core element which I believe has been missing from the implementation of a legislative programme. The most visible impact of that has been the significant peaks and troughs in business coming to the Assembly. Like any parliamentary system, and as Executive business is given priority for Assembly time, there is therefore a responsibility on the Executive to manage its business within the parliamentary time available to it. I have raised these points with the First and deputy First Minister and have had positive assurance that a statement on a legislative programme is being worked on.

The Committee on Procedures will, no doubt, be aware of some of the public perception and commentary which exists about the nature of Assembly business. I do not believe it is all well informed as the Assembly should not just be debating legislation for the sake of it and there are many actions Ministers can take without legislation for which they can be held accountable through debates and questions. Those negative perceptions are less damaging, in my view, than the perception that would emerge if the Assembly were to reduce its hours.

The reputation of the Assembly would benefit from improving the Executive's management of parliamentary time to deal with the peaks and troughs and to minimize the occasions on which there is a backlog of important legislation which inevitably squeezes the time available for effective scrutiny. The Committee may wish to consider ways in which that situation could be encouraged including the merits of incorporating a requirement for a legislative programme at the start of each session.

Finally, Members are aware that the timing and length of our sittings have an impact on more than MLAs. Therefore, as Chairperson of the Assembly Commission, I suggest that the Committee might wish to share its emerging findings as the Inquiry progresses with the Clerk/ Director General of the Assembly so that it can be properly appraised of the financial, staffing or other resource implications of any of the potential recommendations.

Thank you for inviting me to make a submission and I hope the Committee finds my comments useful.

Yours sincerely,

WILLIAM HAY MLA

SP280_13

Written Submission from the Business Committee - 6 November 2013

The Speaker



Office of the Speaker Room 39, Parliament Buildings Ballymiscaw, Stormont Belfast BT4 3XX

Tel: +44 (0) 28 9052 1130 Fax: +44 (0) 28 9052 1959 email: speaker@niassembly.gov.uk

Mr Gerry Kelly MLA
Chairperson, Committee on Procedures
Room 33
Parliament Buildings
Ballymiscaw
BELFAST
BT4 3XX

6 November 2013

Dear Gerry,

REVIEW OF THE CURRENT ORGANISATION OF THE BUSINESS WEEK

Thank you for your letter of 23 October 2013 which the Business Committee considered at its meeting on 5 November. The Committee noted the review and appreciated the invitation to provide written evidence. However, as parties have also been asked for their views, it was agreed that the Business Committee would not provide evidence separately.

When the Committee on Procedures has come to its conclusions, and if alternative models are identified, the Business Committee may wish to comment at that stage.

You may wish to note that I intend to provide written evidence to the review in my role as Speaker of the Assembly.

Yours sincerely,

WILLIAM HAY MLA

SP259_13

Written Submission from the Alliance Party - 20 November 2013

From: Dickson, Stewart [mailto:stewart.dickson@mla.niassembly.gov.uk]

Sent: Wednesday, November 20, 2013 3:19 PM

To: Ross, Alison

Subject: Organisation of Assembly's Business Week

Dear Gerry,

Thank you for your letter dated 23rd October regarding the organisation of the business week in the Assembly.

We believe that no major changes need to be made to the types of business in the Assembly. We believe that the model adopted elsewhere of having separate government/opposition days would not work in the Northern Ireland Assembly due to the power-sharing arrangements here and that the proportional allocation of debate times is the most reasonable alternative.

However, we believe that the system for the allocation of these debates should change to better reflect the diversity within the Assembly and that the d'Hondt allocation method should be replaced with Saint-Laguë which will allow better representation of smaller parties, especially those not represented in the executive. This would increase the diversity of debate in the Assembly.

With regards to the structure of the business week, we would like to suggest the committee consider two proposed changes.

Firstly, consideration should be given to whether greater flexibility could be provided to the balance of time afforded to committees and plenary sittings throughout the mandate. For example, plenary sittings could be reduced to one day for the first year to allow committees to sit more regularly and undertake more preparatory work on enquiries. In the final year of a mandate plenary could sit for three days a week, with commensurate reduction in committee sittings to ensure that legislation has more time to be scrutinised and passed.

Secondly, we note that the Welsh Assembly and Scottish Parliament defer all votes until the end of the day, ensuring that all votes on non-legislative matters occur at the same time. (Some specific other votes are still

held after the individual debate.) The committee should consider if this would be a convenient change to make here. The implications of this should be fully explored.

We would also support any changes to the model which made the business hours of the Assembly more family friendly and would encourage the committee to examine this as a matter of urgency.

Yours sincerely,

Stewart

Stewart Dickson MLAAlliance Party Chief Whip

8 West Street, Carrickfergus, BT38 7AR 028 9335 0286

Written Submission from the DUP - 28 January 2014

Review of the Current Organisation of the Business Week of the Northern Ireland Assembly - DUP Response

The views expressed in this response represent the initial thinking of the Democratic Unionist Party on the issues and what we believe is a common sense approach to the organisation of business within the Assembly. To that end we believe that our views are driven by an assessment of the practicalities, constraints and benefits of the Assembly, rather than by an ideologically fixed position. Therefore while we express views in this response, we are open minded to any suggestions which could improve arrangements and will give any suggestion due consideration on its own merits.

While it is worthwhile considering the parliamentary business arrangements in nearby jurisdictions, to see if there are examples of best practice that we can apply, it is important to note the specific geographical implications of the Northern Ireland Assembly, which mean that our business arrangements require a unique solution. Of the full time Parliaments or devolved institutions within either the UK or the British Isles as a whole, we are by far the most geographically compact. This creates most constraints and opportunities. Uniquely among those institutions, Stormont is reachable from anywhere else in Northern Ireland in a maximum of $2 - 2 \frac{1}{2}$ hours, enabling Members to attend business and return to their constituencies on the same day. There is no doubt that for some this creates inconvenience, can be very tiring and on rare occasions when plenary sessions go late into the night, is impractical. Nevertheless , while this creates some constraints for Members on weekly business, unlike other jurisdictions which by practical necessity require business to be organised in such a way as to accommodate members who have to fly in or otherwise travel in long distances and who are unable to return home for 1, 2, 3 or 4 nights.

The ability of Members to conduct their business and in most cases return home the same day plays an important role both in maximising family friendly arrangements, as well as ensuring a continuing strong link between themselves and their constituency. By contrast in other jurisdictions, by practical necessity, public representatives are sometimes forced to choose between limiting their role and appearances within the Parliament or Assembly itself or in effect restricting constituency appearances to a weekly parachute in to the constituency. For many this can also add destructive strain to family life.

On the wider issue of business organisation, this then lends itself to two further questions. Firstly is the balance correct between plenary, committee and constituency, and secondly is the arrangement of the detail of timings the correct one?

Turning to the first question, we believe that the provision of two plenary days on a Monday and a Tuesday, followed by committee days on Wednesdays and Thursdays, and a clear constituency day on Friday is the correct one. While the timings on a Monday and Tuesday can vary, we believe that any legislature requires on average two full days to debate legislation, raise matters of public interest and hold Ministers to account. Similarly it is difficult to see how committees can be spread over any less than a day and a half. The discussions around the temporary time slot for the Justice Committee highlights the practical constraints within the building, the budget and Members' time. In practice most Members serve on at least two committees, in effect serving a full day on committees each week. We support the weekly meetings of committees, and the allocation of half a day a week to each committee. While the timings will vary from committee meeting to meeting, we believe that broadly this represents the right time allocation. This should leave most Members with two full days to

base themselves in the constituency. While travel can eat into this, whips and parties can play an important role in minimising disruption to Members through committee selection.

Finally this leaves the arrangements around timings of Plenary Sessions and committee meetings. This again is both facilitated and constrained by the practicalities of Members travelling to and from Stormont. The starting time on a Monday at noon both facilitates Members who need to travel a considerable distance, and also parties to hold their regular weekly meetings ahead of the business week. The conclusion around 6 or 7pm on a Monday, with flexibility to extend where necessary, allows the opportunity for some Members to attend constituency events on a Monday night. Similarly, there is a need for one plenary session each week to be open ended and so we would endorse the current arrangements for Tuesdays. Likewise we believe it is difficult for plenary business to start earlier on either day, and there is no merit in it starting later. There is a little bit of flexibility on the starting times for committee meetings, and we would retain this level of flexibility.

In conclusion we believe that the current arrangements represent a sensible balance and there is no compelling case for change. We therefore support the current system, although are willing to consider any propositions for change if they can be established to be an improvement on the existing system.

Written Submission from the SDLP - 6 January 2014



SDLP response to the Committee on Procedures Review of the Current Organisation of the Business Week of the Northern Ireland Assembly

January 2014

The SDLP welcome the opportunity to respond to the Northern Ireland Assembly Committee on Procedures as they assess the organisation of the business week of the Assembly.

The SDLP are committed to open and transparent government and will support advances to, and changes in, mechanisms which engender greater public trust in the Assembly and Northern Ireland Executive.

A strong and dynamic Assembly robustly holding the Executive to account and legislating proactively was a central tenant of the Good Friday Agreement; any changes resulting from this review should enhance the Assembly's ability to hold the Executive to account.

In our submission to the Assembly and Executive Review Committee review of parts III & IV of the Northern Ireland Act 1998 we put forward a set of principles we believe must govern any changes to governance in Northern Ireland which are appropriate to the outcome of this review:

"Powersharing. Government in Northern Ireland should always be representative and reflective of both communities.

Reconciliation must be the principal and overriding objective of all administrations in Northern Ireland.

Equality is the foundation stone on which the new Northern Ireland is built. It must be embedded in government and across our society.

Partnership is the engine which will drive the transformation of our society.

Prosperity. Making our region and this island more prosperous should be a primary objective of all future governments in Northern Ireland.

Accountability. Future structures of government must be and feel fully accountable to our people. As republicans we believe that power lies fundamentally with the citizen. It is important that our citizens have the power to change governments and hold Ministers fully accountable."

The SDLP encourage the Committee on Procedures to ensure this review of the Assembly Business Week is full and thorough and suggest the review includes consideration of the following issues:

Encouraging participation

The SDLP suggest the Committee on Procedures consider long term structures which could be put in place to ensure, where possible, family friendly working hours in the Assembly.

It is essential that the Assembly membership represents all sections of society and in particular encourages women and young people to become actively involved in the democratic process.

Assembly Plenary

Attached for reference is the SDLP response to the Committee on Procedures call for evidence into the potential establishment of Technical Groups in the Northern Ireland Assembly, September 2012.

Question time

The SDLP welcome the introduction of topical questions and the recent decision to schedule topical questions following oral questions. However topical questions based on, or supplementary to, the preceding oral questions should be permitted by the Speaker in order to provide further opportunity for scrutiny of the Executive.

Probing amendments in legislation

While we acknowledge the necessity for all amendments to conform to the rules governing admissibility, style and content the SDLP would welcome encouragement for the use of "probing amendments" to Bills to create further debate and discussion on issues relating to legislation and associated regulations.

Adjournment debates

In order to create further opportunities to debate important local issues the Committee on Procedures should consider the scheduling of adjournment debates at the end of both Monday and Tuesday sittings.

Committee Meetings

Consideration should be given to ceasing the scheduling of committee meetings during Assembly plenary sessions, particularly Ministerial Question time.

Attached for reference is the SDLP response to the Northern Ireland Assembly Committee Review Group, Emerging Findings and Outline proposals, June 2013.

Opportunity for Stakeholder engagement

The SDLP support the retention of the Assembly adjournment on Tuesday lunchtimes which allows MLAs to attend All-Party Groups and other stakeholder engagement events without impacting upon formal plenary and committee proceedings.

The SDLP are satisfied with the current rules and registration processes in place for Northern Ireland Assembly All-Party Groups (APGs). We acknowledge the workload associated with the effective running of APGs and recognise the need to minimise the impact all-party groups have on formal plenary and committee proceedings.

The Committee on Procedures should consider how APGs are scheduled so to avoid an overabundance of APGs at any one time which in turn affects the ability of MLAs to attend and reduces APGs productivity.

This could perhaps be achieved by limiting the number of room bookings available to APGs at any one time but by providing more opportunity for meetings that do not clash with plenary and committee proceedings.

06.01.14



SDLP response to the Committee on Procedures call for evidence into the potential establishment of Technical Groups in the Northern Ireland Assembly

September 2012

The SDLP welcome the opportunity to make an initial response to the Northern Ireland Assembly Committee on Procedures as they assess the possibility of establishing technical groups within the Assembly.

The SDLP are committed to open and transparent government and will support advances which engender greater public trust in the Northern Ireland Assembly and Executive.

If executed in a responsible manner provisions for the establishment of technical groups within the Northern Ireland Assembly could serve to enhance the representation of minority groups within our population who are represented by independent MLAs or small parties.

The recent SDLP response to the Assembly and Executive Review Committee review of parts III & IV of the Northern Ireland Act 1998 highlighted the need for more accountable government and a stronger Assembly:

"Accountable government

Addressing the perceived lack of accountability of the Northern Ireland Executive should be a focus of the Assembly Executive and Assembly Review Committee's review of Parts III & IV.

There can never be any return to the old days of majority rule and discrimination, however the time has now come to test whether a more open and accountable system still based on power-sharing and equality could deliver stable and strong government for our region as well as proving an opportunity for a constructive and robust critique of Executive decisions and ministerial performance."

"A stronger Assembly

A strong and dynamic Assembly robustly holding the Executive to account and legislating proactively was a central tenant of the Good Friday Agreement. This review should fully consider whether the Assembly is fully holding the Executive to account".

The introduction of technical groups may allow for greater probing of Ministerial and Departmental actions within the assembly chamber and could assist in providing a more robust critique of Executive decisions, improving on current levels of transparency.

It is essential however that the establishment of technical groups does not undermine democracy within the Assembly by inadvertently promoting minority voices ahead of political parties supported by a much larger cross-section of the community.

Before coming to a determination on the establishment of technical groups the committee on procedures must consider certain issues.

Funding and resources

The SDLP believe members of a technical group, as individuals or collectively, should not gain any additional funding as a result of technical group membership.

Assessment must be made as to whether a technical group would receive any additional Assembly resources, for example the provision of additional office space be made available to members of a technical group for meetings.

Size and number of technical groups

If all other issues raised were adequately addressed the SDLP believe the threshold for technical group establishment should be 5 members. This ratio of group size to size of legislature falls between that of the established precedent in Dáil Éireann and the National Assembly for Wales.¹

The high number of independent members elected to the 31st Dáil demonstrates the need for the Committee on Procedures to also determine whether it is permissible to have more than one technical group established in the Assembly at any one time.

Impact upon d'Hondt

The Committee on Procedures must consider the impact of the introduction of technical groups on the d'Hondt allocation of committee membership, the ability to table business in the Assembly and speaking rights within the Assembly. The introduction of technical groups should not adversely impact upon the speaking rights of established parties, should not restrict the amount of Assembly business time parties receive and the level of representation they receive upon committees.

Business Committee representation

If all other issues raised were adequately addressed the SDLP believe a technical group should have representation on the business committee commensurate with their group size as determined by the current d'Hondt arrangements.

Speaking rights

Analysis is required as to the exact impact upon speaking time and order of Speakers resultant from the establishment of a technical group.

The SDLP would like the following issues considered:

The benefit or net loss in speaking time for an independent MLA as a result of joining a technical group.

The benefit or net loss in speaking time for a group of MLAs as a result of forming a technical group.

The benefit or net loss in speaking time for an independent MLA as a result of choosing not to join a technical group.

The benefit or net loss in speaking time for other political parties following the establishment of a technical group.

Dáil Éireann membership is 166 and Standing Orders state a technical group must be made up of at least 7 members. 7/166= .042

The National Assembly for Wales comprises of 60 members. Standing Orders state a political group must be made up of 3 or more members. 3/60 = .05

The Northern Ireland Assembly has a membership of 108. The SDLP propose a technical group should be made up of at least 5 members. 5/108 = .046

Time of establishment

The SDLP do not believe it is practical to establish a technical group during the current mandate due to the current Standing Orders arrangements, including the lack of provision for d'Hondt to reflect political realignment within the Assembly resultant from changes to party membership, and as a consequence of the other factors raised in this paper.

The Procedures Committee should consider if it is desirable to allow for the formation of technical groups during future mandates and, if so, propose the necessary changes to standing orders in time for the beginning of the next mandate.

Allocation of seats in the chamber

Consideration should be given to chamber seating arrangements and whether an established political party always takes precedent in seating arrangements even if a technical group is larger.

Precedent from previous mandates

The Committee on Procedures should consider precedent from previous mandates including the establishment by the Alliance Party and independent MLAs of the United Community Group and the attempts by the late David Ervine MLA to sit with the Ulster Unionist Party Group.

11.09.2012



SDLP response to the Northern Ireland Assembly Committee Review Group, Emerging Findings and Outline proposals

June 2013

Assembly Committee Strategic Plans

The SDLP support the proposed introduction of strategic plans for each Northern Ireland Assembly Committee which would set out the committee's key priorities, objectives and targets.

Assembly Committee "Core tasks"

The SDLP agree that committees should set core tasks and recognise the need to help guide the committees' programmes of work. We note the recommendation that core tasks "should not be prescriptive and constrain Members' freedom to look at other issues."

We are concerned that tasking the Chairpersons' Liaison Group (CLG) with the role of defining core tasks will in fact have the effect of constraining rather than guiding a committee's work.

The SDLP suggest that the CLG be asked to recommend core tasks to committees rather than define core tasks in a prescriptive fashion.

It is important that the committee role as defined in Standing order 46 (7) is not diluted.

"Every committee shall have leave to report its opinions and observations upon any matters referred to it by the Assembly, together with the minutes of any evidence taken before it and also to make a special report of any matters which the committee may think fit to bring to the notice of the Assembly."

The role of the Chairpersons' Liaison Group (CLG)

Greater consideration is required before any increase in the role of the CLG so to ensure such a move enhances the Assembly's ability to scrutinise the Executive. Further clarity is required as to why and in what way the role of the CLG would be articulated in the Standing Orders of the Assembly.

Committee Powers

It is essential that the Executive facilitate greater openness to ensure committees are best able to, and not hindered from, exercising their powers under Section 44 of the NI Act 1998.

We support the proposal to enter into dialogue with the Executive on developing protocols that facilitate access to the most relevant officials for effective scrutiny and accountability.

The SDLP are open to considering the extension of committee powers to enable committees to amend legislation as part of any wider future review of the legislative process in the NI Assembly.

Committee Size

The SDLP recognise the workload placed on Assembly Members resultant from membership of multiple committees and note that many MLAs sit on more than two committees.

However we acknowledge the implications regarding representation for smaller parties if membership of statutory and standing committees where to be reduced to nine and consequently believe this issue should only be considered in conjunction with planned review of the number of departments post 2016.

Openness and Accountability

The SDLP will only support moves to merge existing standing committees essential for scrutiny and good governance, such as the suggested merging of the Committee for Procedures and the Committee for Standards and Privileges, if we are convinced this will lead to greater openness and accountability in Governance.

To enhance accountability and good governance the SDLP advocate the establishment of a new Standing Committee, modelled on the Westminster Public Accounts Committee (PAC), which would permanently interrogate the cost of government.

Scheduling Committee Meetings

Consideration should be given to ceasing the scheduling of committee meetings during Assembly plenary sessions, particularly Ministerial Question time.

All-Party Groups

The SDLP are satisfied with the current rules and registration process in place for Northern Ireland Assembly all-party groups. We acknowledge the workload associated with the effective running of all-party groups and recognise the need to minimise the impact all-party groups have on formal plenary and committee proceedings.

Standing Advisors

The SDLP recognise that the appointment of standing advisers on an on-going, long term basis may add value to committee scrutiny.

If the Assembly is to allow the appointment of such advisors a number of issues require consideration. These include the need for well-defined operating standards for committee interaction with advisors and thorough consideration of the cost implications of the use of advisors.

It is of particular importance that use of standing advisors does not become a barrier to open governance by reducing other stakeholder's access to committees. Additionally, committees should be aware that in certain circumstances appointing an advisor could lead to a real or perceived bias within committee decision-making.

Written Submission from UKIP - 22 January 2014

David McNarry MLA UKIP Response on the review of the Assembly business week

Terms of Reference

Key elements of the Terms of Reference for the review:

- 1.Set out the current organisation of the business week of the Northern Ireland Assembly;
- 2.Identify the key strengths and constraining factors of current arrangements;
- 3.Examine models used in other legislatures for achieving balance between the competing pressures of the business week including plenary, committees and Members' party and constituency commitments;
- 4.Propose alternative models designed to meet the specific needs of the Assembly, taking into account any wider implications of proposals as well as any potential for increasing flexibility, effectiveness and family friendly considerations; and

Comments:

- 1. The present Assembly arrangements are all too party-based. Indeed the whole structure of the Assembly is too party based.
- 2. This is not good for the corporate life of the Assembly as it creates a sense that the Assembly is a kind of "peace treaty" between the parties instead of being a permanent democratic institution composed of individual members accountable to their constituents.
- 3. This atmosphere and the presumptions which flow from this party based organisation all help to undermine the sense of permanence of the Assembly.
- 4. The fundamental relationship should be between the individual member and his/her constituents rather than between the parties.
- 5. That is a long-term constitutional relationship. Parties come and go. It needs to be remembered that members are there to represent their constituents and look after their

interests. That should be the fundamental relationship which underpins the Assembly rather than the relative strengths of the parties.

- 6. Strengthening this fundamental democratic relationship between the individual member and his/her constituents in the Assembly structures rather than running the Assembly as a coalition of parties would increase the Assembly's sense of permanence and increase respect for the Assembly among the general public which is currently at an all-time low.
- 7. We need to reassess the situation and reconfigure the Assembly and its workings from the point of view of this long-term democratic relationship rather than the very impermanent party relationships.
- 8. To this end there needs to be proper representation of individual members as opposed to parties on the Business Committee which organises Assembly business.
- 9. This could be achieved by : (i) ensuring that the cohorts or groups of members represented in the 18 underpinning Westminster constituencies on which Assembly seats are based, constituency by constituency, are represented on the Business Committee rather than the parties or (ii) that smaller parties and individual members not affiliated to one of the five larger parties are represented, even on a rotational basis, on the Business Committee.
- 10. The present arrangements for topical questions has been turned into a mere extension of oral questions, by another name. Topical Questions need to be genuinely topical and should pass a topicality test. They should not be a weekly occurrence but only happen when they are genuinely topical and relevant. The present topical system, already revised, has fallen victim to the desire to organise things systematically. Topicality and not the convenience of the Business Office should be the only test. If a topical question is genuinely topical, it should go to the top of the queue. At present topical questions are just oral questions by another name subjected to a second ballot and tacked on at the end of question time.

Written Submission from the UUP -21 January 2014

From: Swann, Robin [mailto:robin.swann@mla.niassembly.gov.uk] Sent: Tuesday, January 21, 2014 10:48 AM

To: Ross, Alison Subject: Ulster Unionist response

We would see no requirement at this time to change the organisation of the Business Week of the Northern ireland Assembly.

regards,

Robin Swann MLA

Chief Whip Ulster Unionist Party & Chair of the Employment & Learning Committee

Written Submission from the Northern Ireland Executive Committee - 10 February 2014



Stormont Castle BELFAST BT4 3TT

TEL: 028 9037 8158 FAX: 028 9037 8040

e-mail: ps.ministers@ofmdfmni.gov.uk

Mr Gerry Kelly MLA Chairperson Committee on Procedures Room 33, Parliament Buildings Ballymiscaw Stormont BELFAST BT4 3XX Our Ref: SUB/94/14

10 February 2014

Apar Gerry

The Clerk to the Committee on Procedures wrote to OFMDFM on 23 October 2013 to invite comments which might inform the Committee's current Review of the Current Organisation of the Business Week of the Northern Ireland Assembly.

We have consulted with all Executive Ministers and the attached submission, which has been informed by the Terms of Reference established for the review by the Committee, reflects the consensus of Ministers' views. We hope this will be helpful to the Committee in its consideration of the issue.

Ministers look forward to reading the Committee's final report and recommendations following its review.

Yours sincerely

JONATHAN BELL MLA Junior Minister

Then J. Sell

JENNIFER McCANN MLA Junior Minister

COMMITTEE ON PROCEDURES: REVIEW OF THE CURRENT ORGANISATION OF THE BUSINESS WEEK OF THE NI ASSEMBLY

WRITTEN SUBMISSION TO THE COMMITTEE ON PROCEDURES FROM JUNIOR MINISTERS

This submission to the Committee on Procedures' Review of the current organisation of the business week of the NI Assembly has been informed by the Terms of Reference established for the review by the Committee. The following comments reflect the agreed view of Executive Ministers on whether there might be an enhancement to the effectiveness of the Assembly were it to introduce changes to the timetable by which it conducts its business.

Key Strengths and Constraining Factors of the Current Model for Organising the Assembly's Business Week

There is a general consensus that, in broad terms, the current model for organising the business week of the Assembly is effective and provides an appropriate balance, for both Ministers and Members, for the discharge of plenary, committee, departmental and constituency business. It is therefore considered that there is no argument for changes to the current structure of the business week, the protocols for which already make provision for flexibility to respond to periods when additional time is required, to allow for the full and effective discharge of Assembly business, either in plenary (through Standing Orders 10(5) & (6)) or at committee.

The current organisation of the business week allocates two days per week to committee business and this is also considered to be appropriate, giving as it does appropriate emphasis to the committee system. However, it is felt that there may be benefit in the Procedures Committee giving consideration to the current practice of conducting committee meetings during Assembly plenary sessions, and particularly during Question Time, to better enable Members to engage fully in both types of business.

There is strong support for the continuation of the established practice of Fridays being reserved for Members to undertake constituency duties. Any move to alter this element of the model for the Assembly organising its business would not be supported by Ministers.

The Committee may also wish to consider adjusting the balance of time allocated between plenary sittings and committee meetings during the course of a mandate. There may for example be a need to have more plenary sittings per week towards the end of a mandate to accommodate pressures of Executive business.

Family Friendly Considerations

There is consensus that the business week of the Assembly should be organised so that it accords fully with family friendly practices. It is felt that, while there are occasions when late sittings do occur, over the course of a mandate such instances are relatively infrequent, and that current sitting times are broadly in accordance with family friendly practices. It is also considered that any major structural changes to the current model might serve to make the business week of the Assembly less family friendly, were it to remove the element of broad predictability inherent in current sitting times. The fact that the schedule does not vary significantly from week to week is conducive to effective planning for all Members.

Written Submission from the House of Commons - October 2013



Procedure Committee

Journal Office, House of Commons London SW1A OAA Tel 020 7219 3318/3319 Fax 020 7219 2269 Email proccom@parliament.uk Website www.parliament.uk

From Charles Walker MP, Chair of the Committee

Gerry Kelly Chair, Committee on Procedures Room 33, Parliament Buildings Ballymiscaw Stormont BELFAST BT4 3XX

October 2013

I have seen your letter to the Speaker of 23 October concerning your Committee's review of the organisation of the business week of the Northern Ireland Assembly.

The House of Commons Procedure Committee, which I chair, completed last year an inquiry into sitting hours and the Parliamentary calendar. I enclose the Committee's report, which you may find useful. The House debated the report on 11 July 2012 and agreed changes to its existing sitting hours.

If you require any further detail on these or any other matters relating to the arrangement of the business in the House of Commons, either I or the Clerk of the Committee, Huw Yardley, would be pleased to help.

Written Submission from the Houses of the Oireachtas - 6 December 2013

Mr Gerry Kelly, MLA Chairperson, Committee on Procedures Room 33, Parliament Buildings Ballymiscaw, Stormont Belfast BT4 3XX

06 December 2013

Dear Mr Kelly

The Ceann Comhairle, Seán Barrett T.D. has asked me to respond to your request for submissions on the review of the Assembly week.

Scheduling of Government business in Dáil Éireann plenary session is the prerogative of the Taoiseach. Private Members' Business takes place at a scheduled time each week, and access to that period is assigned on a rota to the groups in opposition. However, my understanding is that it is information and opinion on the timing of sittings of plenary vs. those of committees in which you are interested, rather than the scheduling of specific business; and that you are seeking to establish whether there are models of arranging the business week which would make more effective use of Members' time.

Historically, the business week in Dáil Éireann was based, apart from exceptional circumstances, on three days, from Tuesday lunchtime to mid-afternoon on Thursday. It was expected that members would be based in their constituencies from Friday through to Monday. Tuesday morning and Thursday evening were generally used by country-based members for travelling to and from the constituencies. The business week of Seanad Éireann has, historically, been similar, being based on the same days but tending to be shorter.

When our committee system was established in 1997, the timetable for committee meetings was left to the committees themselves to agree, the main condition to timing of meetings being a fairly distributed access to committee rooms. Committees met during the same three day window as the plenary sessions. In the initial stages committees generally met once per fortnight according to an agreed schedule.

In the intervening period the system has expanded, and, particularly in the current administration, the range of work undertaken by committees has become much more demanding and time intensive.

In the current Dáil the business week is still based, generally, on three days, from 2pm on Tuesday to 5.45pm on Thursday. The Dáil timetable has recently been extended to sit an hour earlier on Wednesday and Thursday mornings and to include a 4-hour sitting on every second Friday. The hours vary from time to time, depending on the time of year and the level of business. For example, in the period immediately before a recess, there is usually a period of intense activity with longer and additional sitting days and greater volume of legislative work to complete.

Committees still sit on the same days as the plenary sessions, sometimes also on a Friday and, less frequently, on a Monday. Most Committees sit more than once each week.

There are two main difficulties for members with the current timetable.

(i) The Friday sittings.

(ii) The fact that committees and plenary sessions take place at the same time.

The fortnightly Friday sittings are intended for debate of Private Members' Bills and reports of Committees. They have a smaller quorum requirement than other sittings. Nevertheless, the sitting on a Friday eats into the time available to members for constituency work. This problem is greater for country-based members, who still have to factor in travel time before they can get to their constituency work, but it affects all members involved to some extent. It has been suggested by some members that the 4 hour sittings should be transferred to a Tuesday morning instead, but no opinion has been sought from all members as to their opinion on that suggestion.

During quiet times, committees can usually schedule their business to allow members attend plenary sessions which are specifically associated to their briefs, e.g. where members of the Health committee would want to attend plenary sessions dealing with health issues. However, members cannot always be facilitated by their committees to attend other plenary sessions in which they may have a particular personal interest. In busy times, committee schedules often conflict with plenary sessions relevant to the briefs of committee members. As a result, members must frequently choose between attending a committee meeting or a relevant plenary session. This problem is exacerbated for some members who are members of more than one committee, and is a particular problem for the smaller political parties or groups who have fewer members to cover the same number of committees.

Some consideration has been given in the past to having a "committee week" once every month. It was decided not to proceed with that suggestion on the basis that committees would need more frequent meetings than once monthly. The idea of a "committee day" or days each week, in addition to the plenary sessions, runs into the same difficulties as those caused by the Friday sittings. I am not aware of any consideration having been given at any stage to reducing the number of plenary sessions in order to allow for such a "committee day" system.

If you have any questions on this, please feel free to contact me.

Yours sincerely

Patricia Doran

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atricia Doran

Written Submission from the National Assembly for Wales - 27 November 2013

LLYWYDD PRESIDING OFFICER Rosemary Butler AC/AM



Gerry Kelly Chairperson, Committee on Procedures Northern Ireland Assembly Room 33, Parliament Buildings Stormont BELFAST BT4 3XX

Your ref:

Our ref: PO602/RB/LD

27 November 2013

Dear Geny

Thank you for your letter of 23 October inviting me to contribute written evidence to inform your Committee's review of the business week in the Northern Ireland Assembly. I note that the Committee's terms of reference include identifying the key strengths and constraining factors of your current arrangements, and to examine models elsewhere to achieve balance between the competing pressures of the business week including plenary, committees, and Members' party and constituency commitments. I will focus on these points in my response.

1. Current business arrangements

The organisation of business in the National Assembly for Wales is set out in Standing Orders 11 and 12, and the operation of committees is covered by Standing Orders 16 and 17. The Assembly's Business Committee, which I chair as Presiding Officer at 8.30am every Tuesday, determines the Assembly Timetable and the organisation of business. This includes plenary meetings, times available for committee meetings and meetings of political groups, and recesses.

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg/We welcome correspondence in both English and Welsh

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Plenary Business

Under the Assembly's Standing Orders, Plenary meetings must usually be held on Tuesday and Wednesday afternoons and start at 1.30 pm, with Government business taken first. In practice, Tuesdays are given over to Government business, as is the first 90 minutes of business on Wednesdays, with the remaining time devoted to non-government business. The Welsh Government determines the scheduling of its own business, while the Business Committee schedules other business.

Standing Order 11.10 states that the Assembly timetable "must have regard to the family and constituency or electoral region responsibilities of Members and their likely travel arrangements, and should normally seek to avoid timetabling business before 9.00am or after 6.00pm on any working day."

However, as the Assembly's responsibilities have increased, it has become common for Plenary business to be scheduled for after 6.00pm, and later finishes are becoming more common.

Party Group business

All four political parties represented in the Assembly hold party group meetings on Tuesday mornings, in advance of the first Plenary session of the week.

Constituency/electoral region Business

Mondays and Fridays are primarily reserved for constituency/regional business. The exceptions to this are meetings of the Constitutional and Legislative Affairs Committee on Monday afternoons, and any other committee business that the Business Committee may approve in exceptional circumstances, for example for a time-specific committee visit.

Committee business

Most committee business takes place on Tuesday and Wednesday mornings and throughout the day on Thursdays. Following the assumption of greater legislative powers as a result of the 2011 referendum, the National Assembly for Wales has adopted a model of dual legislative and policy scrutiny committees similar to that of the Scottish Parliament



A relatively small number of subject-based committees (five) have been established with sufficiently large memberships (ten members) to allow policy and legislative work to take place simultaneously in smaller groups where necessary. Other specialist committees have been established to fulfil the functions required by Standing Orders or the Government of Wales Act 2006, including Constitutional and Legislative Affairs, Finance, Petitions, Public Accounts and Standards of Conduct. Legislation may be referred to these committees also, if it falls within their remit.

Committees are required to self-manage a demanding and varied programme of work and may make use of formal sub-committees, informal groups and rapporteurs etc. as well as continued operation in full committee.

In order to accommodate the workload generated by the broad portfolios and legislative/policy scrutiny responsibilities of the five subject committees, the weekly timetable provides significant blocks of time for these committees (1½ days every fortnight for each of the five committees to schedule their activity). It also provides for weekly meetings of the Business Committee and Constitutional and Legislative Affairs Committee, and fortnightly meetings of the Public Accounts, Finance and Petitions committees. Provision is also made for meetings of the Assembly Commission and the Standards of Conduct Committee to take place when they are needed, and for the Finance Committee to meet more frequently during periods when it is fulfilling its Standing Order responsibilities in respect of the budget.

Since 2011, the Assembly no longer has a separate European and External Affairs Committee and instead European issues are mainstreamed across the work of other committees.

2. Strengths and benefits of the current arrangements

An important aim of the Assembly's dual committee model is to benefit from the development of subject specialism amongst Members that can be brought to bear on the scrutiny of both legislation and policy. The model maintains separate committees for some of the specialist functions required by the Standing Orders and requires fewer committee places in total, compared with the Third Assembly (2007–11). The simpler structure also aims to make it easier for external stakeholders to engage with committees on legislation and policy.



When agreeing the remits for committees the Business Committee also considered the financial scrutiny of Bills and agreed that the Finance Committee should be selective, focusing its scrutiny on Bills of greatest financial significance, and take a strategic overview of financial matters relating to legislation. This is being reflected in practice, with subject committees including financial scrutiny in their work at Stage 1, and the Finance Committee deciding its involvement in Bills on a case by case basis.

3. Constraining Factors

The total number of members available for scrutiny work is a major factor in structuring the business week. Whilst all 60 Assembly Members attend plenary sessions, the work of the Assembly's 12 committees is undertaken by the 42 Members who are not members of the Welsh Government available for backbench scrutiny of policy and legislation. Most of these members sit on more than one committee, with the associated level of competing demands on their time.

I have already stated, in my submission to the Silk Commission on Devolution in Wales, that there is a need to increase the number of Assembly Members from 60 to 80 in order to reflect the change in the Assembly's responsibilities and our increasing workload since the Assembly received enhanced powers following the Yes vote in the 2011 referendum. The recent announcement that the Assembly will be granted further powers around Welsh taxation and borrowing reaffirms, in my view, the need for an Assembly with greater capacity and with more AMs to robustly scrutinise the Welsh Government on what will be important and difficult decisions.

There has been consultation with Members in the Fourth Assembly on options to re-schedule the committee timetable to facilitate time for scrutiny, including reviewing the use of Mondays for committee business. But the scope for any change to the order of the business week is constrained by the need to avoid committee membership clashes, to avoid committees meeting at the same time as Plenary, and to allow time to meet legislative deadlines for reporting and tabling amendments.

Another important constraining factor in considering any change to the business week is the time needed for Members to travel from their constituency or regional base to the Assembly in Cardiff.



4. Review of Arrangements in the Fourth Assembly

The Business Committee reviewed the committee arrangements adopted at the start of the Fourth Assembly after 12 months, and found that generally the intended benefits of the dual model had been achieved.

There are no plans at this time to make changes to the organisation of the business week, although in June 2013 the Business Committee considered options for recess dates that would allow the Assembly to sit for an additional week, to reflect the growing legislative and policy programme. After consultation with groups it was agreed to extend the autumn term 2014 by a week, which will increase the number of sitting weeks in the Assembly year 2014 from 33 to 34.

It is also worth noting the proactive steps taken by the Assembly Commission to address the capacity issue, by supporting Members with their continuous professional development and facilitating efficient and effective scrutiny processes. A recent review of support for Assembly Committees considered the services available to Members and how this support could be tailored or enhanced to help deal with the workload and pressures they face in such a small legislature.

I hope that this submission is helpful to the Committee on Procedures' inquiry, and will be interested to see the Committee's final report.

Rosemary Butler AM Presiding Officer

Written Submission from the Scottish Parliament - 27 November 2013



The Presiding Officer Rt Hon Tricia Marwick MSP

Gerry Kelly MLA
Chairperson, Committee on Procedures
Northern Ireland Assembly
Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

27 November 2013

Dear Mr Kelly

I am replying to your letter of 23 October in which you invited me to provide written evidence to your Committee's review of the organisation of the business week.

As you may be aware, I invited the Scottish Parliament's procedures committee to undertake a similar review earlier in this session. Following that review, in September 2012, we made a number of changes to the organisation of our week including

- the introduction of a new Topical Question Time at the start of the first day of plenary business each week;
- reorganising plenary time so that the full Parliament meets each afternoon from Tuesday to Thursday with Committees meeting in the mornings.

The background to these changes, and details of some other changes that were made at the same time, is contained in two reports from the Standards, Procedures and Public Appointments Committee which can be viewed at the following links:

Reform of Parliamentary Business (2011) http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/45516.aspx

Parliamentary Reform Standing Order rule changes (2012) http://www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/51458.aspx

I believe the changes have generally been well received and are widely felt to have increased the topicality and responsiveness of Parliamentary debate. One year on, the Standards, Procedures and Public Appointments Committee has been reviewing the impact of the changes and I understand that they will be reporting on this within

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the next couple of months. I have asked the Committee clerks to ensure that your Committee is alerted when that further report is published.

Yours sincerely

TRICIA MARWICK

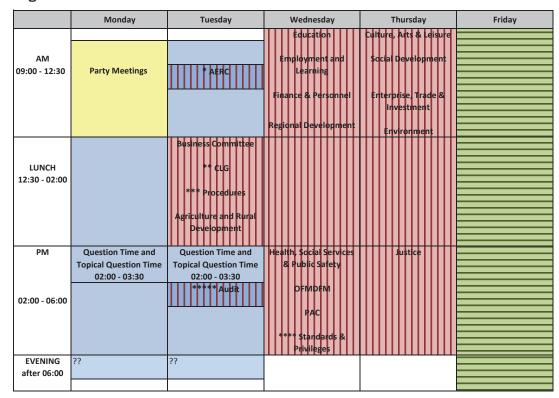


Appendix 3

Business week models in the Northern Ireland Assembly and other legislatures

Northern Ireland Assembly -Summary of current organisation of business week

Diagram 1



Key:

Plenary	
Committees	
Constituency work	
Party meetings	

NOTES

Unless otherwise stated Committees meet weekly

Officas Oth	er wise stated Committees meet weekly
*	Meets every 2nd Tuesday
**	Meets 3rd Tuesday of each month
***	Meets 4th Tuesday of each month
****	Meets 1/2 per month (more if required)
****	Meets four times a year

Glossary

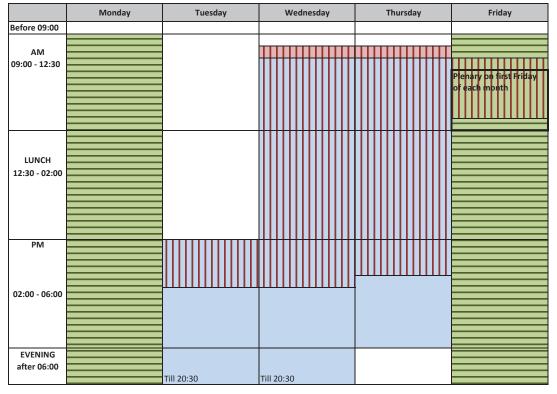
AERC Assembly and Executive Review Committee

CLG Chairpersons' Liaison Group PAC Public Accounts Committee

OFMdFM Office of the First Minister and Deputy First Minister

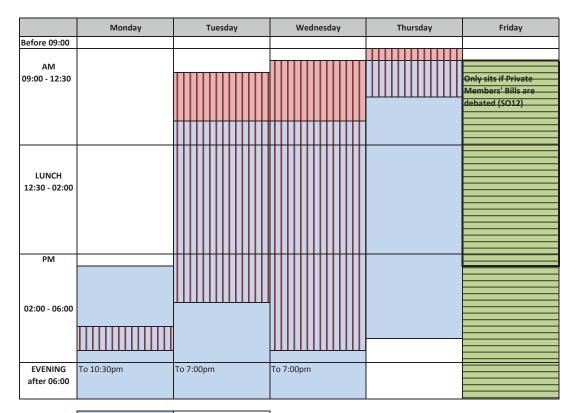
The Dáil - Summary of Business Week

Diagram 2



Key: Plenary Committees Constituency work

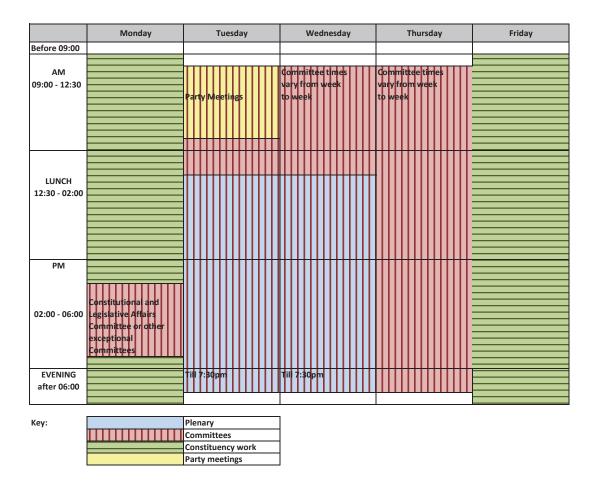
House of Commons - Summary of Business Week



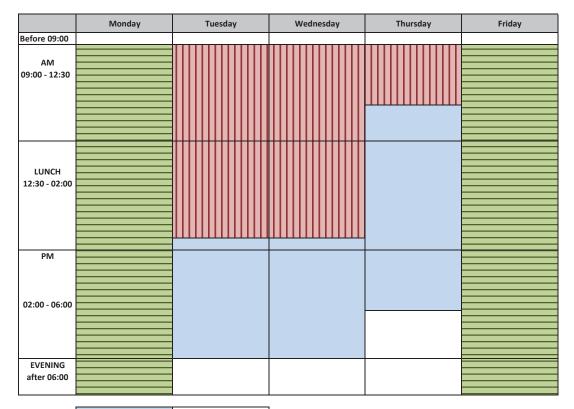
Key:

Plenary
Committees
Constituency work

National Assembly for Wales - Summary of Business Week



Scottish Parliament - Summary of Business Week



Key:

Plenary	
Committees	
Constituency work	



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