

Agenda – Committee on Assembly Electoral Reform

Meeting Venue:

Committee Room 4 – Tŷ Hywel

Meeting date: Monday, 24 February 2020

Meeting time: 10.00

For further information contact:

Helen Finlayson

Committee Clerk

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At its meeting on 3 February, in accordance with Standing Orders 17.42(vi) and (ix), the Committee resolved to exclude the public from this meeting.

1 Introductions, apologies, substitutions and declarations of interest

(10.00)

2 Electing a more diverse Assembly: approach to consultation

(10.00–10.20)

(Pages 1 – 20)

Attached documents:

CAER(5)–5–20 Paper 1 – Approach to consultation

3 Capacity of the Assembly: consideration of the evidence

(10.20–10.30)

(Pages 21 – 59)

Attached documents:

CAER(5)–5–20 Paper 2 – Capacity evidence review

4 Public engagement strategy

(10.30–10.50)

(Pages 60 – 61)

Attached documents:

CAER(5)–5–20 Paper 3 – Evidence gathering and public engagement



Cynulliad
Cenedlaethol
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Assembly for
Wales

5 Papers to note

(10.50)

5.1 Written submission from an individual on the capacity of the Assembly – January 2020

(Page 62)

Attached documents:

CAER(5)–5–20 Paper to note 1

5.2 Written submission from Old Radnor Community Council on the capacity of the Assembly – January 2020

(Page 63)

Attached documents:

CAER(5)–5–20 Paper to note 2

5.3 Written submission from Prospect on the capacity of the Assembly – February 2020

(Pages 64 – 66)

Attached documents:

CAER(5)–5–20 Paper to note 3

5.4 Written submission from Presteigne and Norton Town Council on the capacity of the Assembly – February 2020

(Page 67)

Attached documents:

CAER(5)–5–20 Paper to note 4

5.5 Letter from the Minister for Finance and Trefnydd on the capacity of the Assembly – 10 February 2020

(Pages 68 – 71)

Attached documents:

CAER(5)–5–20 Paper to note 5

5.6 Written submission from the New Radnor Community Council on the capacity of the Assembly – February 2020

(Page 72)

Attached documents:

CAER(5)–5–20 – Paper to note 6

5.7 Letter from the Head of the Equality and Human Rights Commission in Wales with additional information following the meeting on 13 January 2020 – 12 February 2020

(Pages 73 – 75)

Attached documents:

CAER(5)–5–20 – Paper to note 7

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Agenda Item 4

By virtue of paragraph(s) ix of Standing Order 17.42

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Agenda Item 5.1

CAER(5)-5-20 Paper to note 1

Hello

I hope this is the right place to send this email

I like many people in Wales are concerned about the spiraling costs of running the assembly

In these hard times of underfunded councils and services being cut and abolished there seems to be one institution which has been untouched and unaffected and that is the Assembly itself.

With regards to a full review of the Electoral system and boulder for electing AM member's in Wales seems to be a fantastic opportunity to reduce the running costs of the Assembly and use this money to support real communities in Wales.

Currently there are 60 member all of which are paid over £68 thousand pounds per year plus all have an extra £100 thousand for staff plus of course all the extras they claim such as office expenses, accommodation, travel costs etc

Now is the ideal opportunity to re asses the amount of members and to reduce by 50 % from 60 AM's to 30 AM's, this would save the Welsh tax payer over £5,040,000 which would be used to support local councils.

Further cuts should also be implemented in the Assembly by reducing the amount each member is paid, AM's should be paid a fair amount and being paid half the amount of colleges in Westminster would be ideal, also the roles of proceeding officers ect should be abolished and they should only receive the same as all the other AM's. The first minister of Wales should be the only person in the Assembly who receives a little extra but again this should reflect half the amount the UK Prime Minister receives.

The Chancellor of the Exchequer gave the Assembly an extra 500 million over a year ago then last year you were given an extra 600 million, so where is the money? Give this extra cash to every council in Wales and stop helping your selves!

All in all we need to get the boundaries in order during Labour's last year in power in the Assembly ready for 2021 where Wales gets a new fresh smaller Assembly team, saving tax payers money

Together we can change Wales and make it work for everyone

Together we can lower taxation for the people of Wales and yes everyone must pay tax even those on benefits, time for a change time to get it right.

Written submission from Old Radnor Community Council – January 2020

Dear Sirs

The Community Council considered the letter from the Committee for Electoral Reform at its recent meeting. Members asked that I reiterate the comment submitted in response to the initial consultation on Assembly size in March 2018. This was -

Creating a Parliament for Wales Consultation: Members felt strongly that the additional costs to increasing the number of Assembly Members could not be justified given the reductions in Council budgets and that the money would be better spent on maintaining local services.

Regards

Clerk, Old Radnor Community Council



Dawn Bowden AM
Chair Committee on Assembly Electoral Reform
National Assembly for Wales
Cardiff
CF99 1NA

5th of February 2020

Dear Dawn

Prospect Submission on the proposals for electoral reform in National Assembly for Wales

Thank you for inviting Prospect to comment on the proposals to potentially expand the number of assembly members as per the recommendations in the 2017 report, *A Parliament that Works for Wales*. I have consulted with my members and fellow trade union representatives and have laid out a summary of the Prospect position to these proposals below.

Prospect is a non-politically affiliated trade union and therefore we would not seek to actively endorse or oppose the increasing of the numbers of assembly members in the Welsh Assembly. We can though see the rationale of why this has been suggested. Prospect is fully supportive of the concept of devolution and the general constructive attitude taken by the Welsh Government towards Trade Unions and the wider industrial relations environment in Wales. We feel that this constructive approach leads to better outcomes for both employer and employee alike and this in turn provides better public services and a more positive work environment in both the private and public sectors.

In light of the above we think further devolution of powers to the Welsh Assembly is desirable and should be encouraged. We note the recent Justice in Wales for the People of Wales Report¹ and welcome the recommendations that more justice powers should be devolved to Wales. In addition to this with the Brexit position being unclear we are of the opinion that as many of the powers being repatriated from the EU should be passed straight to the devolved administrations and not rest in Westminster.

As stated above as we are politically neutral we feel that it is entirely a matter for the elected members of the assembly to decide if they wish to increase the number of

¹ https://gov.wales/sites/default/files/publications/2019-10/Justice%20Commission%20ENG%20DIGITAL_2.pdf

Assembly members and Prospect will be supportive of the Welsh Assembly and the work it is doing regardless of that choice.

We recognise though that for the reasons above the work load of the assembly is likely to increase. For a legislature to be effective it must have the resources to properly scrutinise legislation and while Prospect recognise the sterling effort carried out by Assembly members to date we feel it is not ideal for them having to sit in on 2 or 3 committees at a time, this must surely restrict the time each member can spend scrutinising legislation.

This relates to our primary concern with an increase in Assembly members and that is related to workload concerns that have been raised by our members in the Assembly itself and Welsh Government generally. Our members are proud of the work they do on behalf of the Welsh people but sometimes feel they have insufficient resources to carry out all of the work required of them by the Assembly. A particular example was highlighted to me below:

“Specifically within my profession there has been an increasing demand for evidence to support policy and yet our deputy director has had to fight hard for any additional resource and has succeeded in being given only a proportion of what we need. Demand would likely increase in line with an increase in AM’s and subsequent increase in Oral Assembly Question’s, requests for evidence etc.

At this moment in time in our division there are certain posts that haven’t been filled when they become vacant (due to person in post getting promotion or VES etc) and so requests for information or evidence relating to that topic get picked up eventually in a mop up and responded to in the quickest / briefest way possible – i.e. not with the highest level of quality or value added.

A specific example is an environmental post that has now been passed over to our branch without any additional resource. In the past this post used to produce at least four outputs per year that were of value and referred to, especially with the increasing concern over the environment. But now the outputs are not completed and requests for information are dealt with on a “who’s got capacity to pick up this one?” basis.

I still fail to understand how an increased demand from ministers runs alongside a decrease in resources and we would not want to see this disparity increase in future”

Welsh Government employee

A similar concern was raised by another member in relation to the potential Brexit impacts:

“In my Division we here have been front and centre of many negotiations with advice being required at unprecedentedly short notice. This has meant that we have often not had the luxury of who has capacity to pick this up as it is often only one person who knows the area, resulting in poor wellbeing, high stress and people leaving the Division. We also do not have the resource required to deal with this, are carrying many vacancies and are looking at potentially over 20 additional returning EU statutory functions that we will need to deliver. Therefore I echo that an increase in AMs would need to be reflected in increasing resource”

Welsh Government employee

Similar sentiments have been picked up from our wider membership generally across Welsh Government and Prospect are already arguing for sufficient resources to cope with the current requirements of the Welsh Assembly so any increase would have to be met with sufficient resource to allow our members to properly serve the people of Wales.

Our members in the Welsh Assembly are generally enthusiastic about an increase in the potential members of assembly members as they recognise that with the increase in legislative powers more assembly members are needed to properly fulfil those functions.

They have raised similar concerns about making sure that any corresponding increase in AM's are sufficiently resourced with adequate support staff, a particular concern was raised over the cap on head count in the assembly as it currently stands, if the number of AM's was to increase this surely needs to be revised. They have also raised more practical concerns over space in the Assembly. Currently they feel they are struggling for space with the arrangements as they stand and there are already requests for more office space for the existing AM's. If the number of AM's were to increase they feel more office space would be needed and would want to see a detailed plan of where the new AM's and the related staff would be based.

In summary Prospect and its members will continue to support and work with the Welsh Government whichever decision it decides to make and request that any increase in Assembly Members is sufficiently resourced to allow our members to carry out their work to the high standards they and the Welsh people expect.

Daniel Maney

Swyddog Trafodaethau / Negotiations Officer

Prospect - Cymru / Wales

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Written submission from Presteigne and Norton Town Council – February 2020

The Town Council considered the letter from the Committee for Electoral Reform at its recent meeting. Members asked that I reiterate the comments submitted in response to the initial consultation on Assembly size in March 2018 i.e. that they felt strongly that the additional costs to increasing the number of Assembly Members could not be justified given the reductions in Council budgets and that the money would be better spent on maintaining local services.

Regards

Clerk, Presteigne and Norton Town Council

Agenda Item 5.5

Rebecca Evans AM
Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref

Dawn Bowden AM
Chair, Committee on Assembly Electoral Reform,
National Assembly for Wales.

10 February 2020

Dear Dawn,

Committee on Assembly Electoral Reform: inquiry into the capacity of the Assembly

Thank you for your letter inviting the Welsh Government to submit written evidence to inform your Committee's work on the capacity of the Assembly. You asked four specific questions, and my responses are set out below. You will see that I have brigaded the questions into two discrete areas of inquiry.

1. "How any recent or anticipated changes to the Assembly's powers, or the broader constitutional context, might be reflected in the structure or responsibilities of the Welsh Government".

"Any implications an increase in the number of Assembly Members might have for the Welsh Government, including whether the Welsh Government would seek any change to the current limit on the number of Welsh Ministers specified by the Government of Wales Act 2006".

The Committee is right to set its inquiry in the context of a rapidly-evolving constitutional context, including a substantial enhancement of the competences and responsibilities of both the Assembly and of Welsh Ministers. These developments have accelerated and been intensified by the governmental implications of Brexit, a key outcome of which will be a substantial expansion of ministerial responsibilities, particularly in the fields of environment and rural affairs and economic affairs.

It is important to recognise that these additional responsibilities are not limited to the discharge of new statutory functions, important as those are. They also bring with them a substantially-enhanced role in inter-governmental relations. Welsh Government Ministers increasingly need to participate in face to face inter-ministerial meetings with opposite numbers in other administrations, to share information and discuss effective coordination of policies and programmes, for example in the areas to be covered by new frameworks.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Quite apart from Brexit, domestic policy developments may also lead to additional responsibilities being devolved to the Welsh Government in future years. The Thomas Commission on Justice in Wales has recommended a “substantial devolution of justice functions” to the devolved institutions, and has observed that “With legislative devolution, there must be a new Justice Department in the Welsh Government led by a Cabinet Minister”. Separately, the Keith Williams Review of the rail system is expected to report very soon, and this may have more to say about devolving additional powers to Welsh Ministers (as we have argued for).

In this context of continuing change and expansion of responsibilities, the internal structure and organisation of the Welsh Government is kept under constant review. This is a matter both of the number of Ministers (Cabinet Ministers and Deputy Ministers) in the Government, and the scope and scale of individual ministerial responsibilities. As matters stand, the new statutory responsibilities arising from Brexit will simply have to be added, at least in the short term, to the most appropriate existing Ministerial portfolios. Legislative devolution in relation to Justice would, however, if the Thomas Commission recommendation is accepted, require the creation of a new Ministerial portfolio (with consequential changes to civil service deployment within the government).

In this context, the statutory limit on the number of Ministers who may be appointed is highly relevant. Brexit provides a good example of the difficulties that may arise. The Scottish Government was able to appoint an additional Cabinet Minister to be responsible for managing the very extensive new policy and inter-governmental matters arising. In contrast, the Welsh Government, with a full set of Ministers already in place in line with the statutory limit, has been able to manage these additional responsibilities only by asking the Counsel General to assume them, in addition to his other responsibilities as the Government’s Law Officer.

Given the expansion of Welsh Government responsibilities, whether arising from Brexit or from other domestic developments, there is therefore a good case for increasing the possible number of Ministerial appointments¹. At present, 12 such appointments can be made (additional to those of the First Minister and the Counsel General), this number representing 20% of the total membership of the Assembly. If there were to be an increase in the size of the Assembly, it is not unrealistic to assume an equivalent proportionate increase in the maximum number of allowable ministerial appointments (and this is of course something that the Assembly itself could legislate for, subject to a super-majority requirement at Stage 4 of a Bill).

2. “Any reforms to the Assembly’s procedures, working practices or support arrangements which could be introduced to maximise the capacity of a 60 Member Assembly to carry out its representative, scrutiny and legislative functions”.

“Whether any reform of the Assembly’s procedures or practices would be required if the size of the Assembly were to be increased”.

The Government’s starting point is that it is for the Assembly itself via the Business Committee to determine its own working procedures and practices, and Ministers will always seek to accommodate themselves to those. That said, the Government does have an obvious interest in securing its business, particularly its legislative proposals, in reasonable time, and would support Assembly procedures facilitating this.

¹ Note however that any increase in number of Ministers would necessarily lead to greater plenary time being allocated to OAQs and so (unless there was a corresponding increase in plenary time) reduce the plenary time available for other Government business to be brought forward. This could be mitigated by relaxing the routine of Ministers answering questions from every four weeks to, say, every five weeks.

In this context, I remind the Committee that

- the time for plenary meetings on Tuesdays and Wednesdays has remained constant, notwithstanding the substantial increase in the Assembly's powers²;
- the existing split of plenary time (60% Government business, 40% other business) was agreed in 1999, long before it became possible for the Government to bring forward draft primary legislation;
- and it is further the case that a substantial proportion of the allocated Government plenary time has to be used for mandatory business, such as Oral Questions and the weekly Business Statement, leaving a relatively small proportion of that time for business to be brought forward at the Government's discretion³.

There is therefore a case for all these matters to be reconsidered (although the Government does not think that reform would necessarily be required if the size of the Assembly were to be increased, as your fourth question suggests). That said, our overall view is that the existing arrangements for use of plenary time do not provide a significant constraint on the Government getting its legislative business through in reasonable time, although this potentially can be at the expense of other government business such as Ministerial oral statements which Members might well wish to hear and discuss.

It must be for Assembly Members to decide if the arrangements for use of the available plenary time for scrutiny of draft legislation and other government business are satisfactory. Many Members appear to accept that stage 3 consideration of a Bill can be unnecessarily laborious, particularly when there is a high degree of consensus. Is there a quicker way of disposing of non-contentious amendments, for example a greater use of voting en bloc, or only pressing lead amendments to a vote, with all consequential amendments deemed agreed/not agreed? Further, is it always necessary that secondary legislation has Assembly procedure? In other parliaments, instruments dealing with largely technical matters sometimes have no procedure required, and this might be worth further consideration here (potentially saving plenary time in the case of affirmative procedure).

Committee procedure, both in respect of draft legislation and more generally, is more of a concern. Looking first at legislation, and to take a current example, Ministers will have been required at Stage 1 to make four appearances at three separate Committees to discuss the Local Government and Elections (Wales) Bill. This is an inordinate demand on Ministers' time (a total of more than seven hours of oral discussion in Committee, before the Bill even gets to plenary for debate on general principles), and (I would argue) not conducive to a holistic approach to scrutiny of the Government's proposals. Committees could consider joint meetings where there is shared interest in an issue, and this might avoid Ministers being scrutinised on the same topics by different Committees, as well as facilitating more efficient scrutiny from an Assembly perspective.

So far as non-legislative business is concerned, I make three points, directed at enabling Committees to maximise their impact:

- In relation to Ministerial evidence sessions, given that the objective is for Ministers to give Committees the best possible answers, is there scope for Committees formally to provide advance notice of the areas they want to focus on? This would enable Ministers' and Members' preparation to focus efficiently on the key issues with a view

² Is there potential for increasing the amount of plenary time occasionally, for example a meeting on a Thursday once a fortnight/month, to deal with Committee or back-bench business (Member debates, legislative proposals, short debates)?

³ The Government currently has approximately four hours a week for its discretionary business, once time for FMQs, OAQs and the Business Statement is allowed for; this is a similar amount of time to that made available for non-government business.

to getting high quality evidence from the session. It would also reduce the need for follow-up questions from Committees which can be wide-ranging and which end up requiring written responses that Committee members do not have an opportunity to respond to.

- Secondly, some Committee recommendations appear to be based on misunderstandings. These can make Government responses appear difficult or unhelpful, although that is clearly not our intention. Is there scope for draft reports to be shared with us in advance, as happens with NAO reports under well-established procedures, so that we have the opportunity to clarify or correct misunderstandings? This should make for better informed recommendations and more positive Government responses.
- Thirdly, the Government is available to provide evidence to Committees during Recess, if that would assist their work.

I hope that these observations are useful for your purposes, and I look forward to reading the Committee's conclusions on these issues in due course.

Yours sincerely,



Rebecca Evans AC/AM

Y Gweinidog Cyllid a'r Trefnydd
Minister for Finance and Trefnydd

Agenda Item 5.6

Written submission from New Radnor Community Council – February 2020

The Community Council considered the letter from the Committee for Electoral Reform at its recent meeting. Members asked that I reiterate the comment submitted in response to the initial consultation on Assembly size in March 2018. This was that they felt strongly that the additional costs to increasing the number of Assembly Members could not be justified given the reductions in Council budgets and that the money would be better spent on maintaining local services.

Regards

Clerk, New Radnor Community Council



Dawn Bowden AM
Chair, Committee on Assembly
Electoral Reform
National Assembly for Wales

Wednesday 12 February 2020

Dear Dawn Bowden AM

Subject: Job-sharing and electing a more diverse Assembly

I was pleased to provide oral evidence to your Committee on January 13 as part of your Inquiry into 'Electing a more diverse Assembly', in which you are examining the recommendations of the recent Expert Panel on Assembly Electoral Reform.

Subsequently, you have asked for additional information regarding our view on job-sharing and opportunities it may provide to improve diversity in the Assembly.

The Commission supports the Expert Panel's Recommendation 11 that:

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

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‘Electoral law, Assembly procedures and the Remuneration Board’s Determination on Members’ Pay and Allowances should be changed to enable candidates to stand for election on the basis of transparent job sharing arrangements. The guiding principles of such arrangements should be that candidates clearly articulate the basis of their job sharing agreement to voters, that job sharing partners are treated as if they are one person, and that job sharing Members should give rise to no additional costs beyond those of a single Assembly Member.’

In addition, job-sharing and other flexible working practices in non-political roles provides individuals with improved opportunity to run for, and hold, elected positions. Our recent [Fair Opportunities for All report](#) recommends that part time, job-share and other types of flexible working should be available at all levels of organisations.

Diversity of representation is important for the democratic principles of equality, effectiveness, fairness, justice and legitimacy. The Commission would welcome

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a’r Saesneg.

The Commission welcomes correspondence in Welsh or English.

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the Committee's further consideration of job-sharing and other flexible working practices as a way of ensuring a diverse Assembly.

Yours sincerely,



Rev Ruth Coombs

Head of Wales

Wales | Equality and Human Rights Commission

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

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