

COMMISSION ON DEVOLUTION IN WALES

SEVENTEETH COMMISSION MEETING MINUTES

12 APRIL 2013

1 CASPIAN POINT, CARDIFF

Present:

Commissioners:

Paul Silk (Chair)

Nick Bourne

Jane Davidson

Eurfyl ap Gwilym

Rob Humphreys (Items 1 – 5 only)

Trefor Jones

Noel Lloyd

Helen Molyneux

Secretariat:

Michael Kay

Mark Parkinson

Sara Parry

Angharad Richards

Ben Jones

1. Round-up of activity undertaken since last meeting

- 1.1 The Chair provided an update on an event hosted by Paramount on the Commission's Part II work, which was attended by a number of Commissioners. He had also addressed an Institute of Chartered Accountants in England and Wales event on the Commission's Part I recommendations, and met ~~with~~ Betsan Powys, BBC Wales Political Editor.
- 1.2 Noel Lloyd had addressed a Chartered Institute of Public Finance and Accountancy event on the Commission's Part I recommendations.
- 1.3 A number of other meetings had also recently taken place between Commissioners and key business and political stakeholders to discuss the Commission's work.
- 1.4 The Commission was briefed on a number of forthcoming events for Part II and agreed to confirm their availability to attend.



- 1.5 [The secretariat agreed to advise further on possible additional sources of gaps in evidence received.](#)

2. Minutes of Fifteenth Meeting

- 2.1 The minutes were agreed by the Commission without amendment.
- 2.2 The Commission also agreed ~~to the amendments on the proposed~~ schedule of Commission meetings and ~~the revised paper on~~ Part II principles and policy paper template (~~these had been~~ circulated as papers to note).

3. Papers on the National Assembly for Wales, Elections in Wales

- 3.1 The Commission ~~received~~ ~~considered~~ two papers on the National Assembly for Wales and the Elections in Wales ~~based on evidence received~~.
- 3.2 The Commission discussed the ~~operation of the Assembly inter-governmental relationship between the Welsh Government and the UK Government~~ and the ~~inter-parliamentary~~ relationship between the National Assembly for Wales and the UK Parliament.
- 3.3 It ~~also~~ noted the ~~current~~ arrangements for elections in Wales, ~~including the National Assembly for Wales and Local Government~~.

4. [Evidence from](#) Rosemary Butler AM, Presiding Officer of the National Assembly for Wales

- 4.1 The Commission ~~discussed~~ ~~questioned the Presiding Officer on~~ the evidence ~~the Presiding Officer that she~~ had submitted for consideration ~~and other relevant issues raised in evidence~~.

5. [Evidence from](#) Sir Robert Rogers, Clerk of the House of Commons, and Paul Evans, Principal Clerk of the Table Office

- 5.1 The Commission ~~discussed~~ ~~questioned Sir Robert Rogers and Paul Evans on~~ the evidence submitted for consideration by the Speaker of the House of Commons, ~~and other relevant issues raised in evidence~~.

6. [Evidence from](#) Professor Laura McAllister, Wales Study Group of the Study of Parliament Group, and Stephen Brooks and Owain ap Gareth, Electoral Reform Society Wales

- 6.1 The Commission ~~discussed~~ ~~questioned Professor McAllister, Stephen Brooks and Owain ap Gareth on~~ the evidence submitted for consideration by the Wales Study Group of the Study of Parliament Group and the Electoral



Reform Society Wales, ~~and other relevant issues raised in~~
~~evidence~~ respectively.

7. Evidence from Kay Jenkins, Head of Wales and English Regional Offices,
Electoral Commission

6.2 The Commission discussed the election process in Wales ~~with Kay Jenkins~~.

8. Commission reflections

8.1. The Commission reviewed the evidence heard in the sessions during the meeting. It ~~considered possible conclusions in~~ agreed on a number of areas, but recognised that these would would require further consideration and confirmation at a later date.

8.2. The Secretariat briefed the Commission on the proposed format for the next meeting and suggested a number of organisations and individuals that could be invited to attend. The Commission agreed on the format of the meeting and made further suggestions on organisations and individuals to invite.


Actions (Not for publication)

Action Point	Lead	Completion date	Completed
<p>Round up of activity undertaken since last meeting</p> <p>Commissioners to update their entry in the register of interests.</p> <p>Secretariat to update the Commission website to reflect that include a sentence on the Commissioners are unpaid not receiving payment for their work.</p> <p>Papers on the National Assembly for Wales, Elections in Wales</p> <p>Secretariat to draft a letter to Lord Baron Elis Thomas as; former Presiding Officer of the National Assembly for Wales, asking for his thoughts on the issues raised role and responsibilities of the National Assembly for Wales.</p> <p>Commission Reflections</p> <p>Secretariat to provide Commissioners with figures on the cost of policing <u>and other aspects of the criminal justice system</u> in Wales.</p>	<p>Commissioners</p> <p>Secretariat</p> <p>Secretariat</p> <p>Secretariat</p>	<p>Before next meeting</p> <p>Before next meeting</p> <p>Before next meeting</p> <p>Before next meeting In forthcoming papers on policing and the criminal justice system</p>	<p>Updated</p>



Decisions [\[not for publication\]](#)

[\[Include final version\]](#)UNCLASSIFIED
ElectionsCommission on Devolution in Wales
Comisiwn ar Ddatganod yng Nghymru

The following conclusions were reached, subject to further evidence in coming months:

- major changes e.g. as discussed in the recent Wales Office Green Paper are beyond our terms of reference;
- however we suggest some detailed changes to Assembly elections, including devolving to the Presiding Officer powers in GoWA for varying the date of elections, and devolving to the Welsh Government powers in relation to the conduct Order, aligning the administration of devolved elections with Scotland;
- we also suggest changes to local government elections, including devolving to the Welsh Government electoral administration including rules for the conduct of elections; and
- there is no substantial evidence to support the devolution of the electoral franchise.

The National Assembly for Wales

The general conclusions which we draw are:

- in relation to the capacity of the Assembly, we recognise that the Assembly is small in relation to Scotland and Northern Ireland and that this causes problems for effective governance. There is a problem in the capacity to scrutinize, given the number of Members on more than one committee – which will grow if new powers were given. But there are political downsides of recommending increasing the size, including the read across to changing the voting system as the Richard Commission recognised; and disadvantages of other possible remedies such as unelected, non-voting Members. A menu of options should be considered for increasing capacity, including greater flexibility on the number and membership of committees, increased research staff and better use of AMs' time;
- in relation to the growing maturity of the Assembly we recognise that there is a case for the NAW to lose procedural restrictions which are no longer appropriate and to become similar to Scottish Parliament/NI Assembly (e.g. review or recast the requirement for a Secretary of State speech on the UK legislative programme, although we would suggest a need to retain a commitment to a cooperative approach to UK Ministerial attendances in the Assembly committees, as recommended in our first report – with a committee appearance on the legislative programme perhaps more appropriate in any case);
- but we recognise that safeguards are needed so that the Assembly cannot control, for example, its own franchise by a simple majority (see elections); and
- we recognise the need for improved inter-parliamentary cooperation, particularly on LCMs, to increase accountability and transparency.

We tentatively suggest the following proposals, subject to any further evidence in coming months:

- the various proposals put forward by the Presiding Officer under the umbrella of reflecting the growing institutional maturity of the National Assembly appear sensible, and might be widened eg in relation to budget procedures, although it would be for the Assembly to change its name to Parliament and there is merit in retaining a commitment for the S of S to attend;

UNCLASSIFIED