

## Creating a clear and stable devolution settlement for Wales

Paul Silk outlines the main proposals in the second report of the Commission on Devolution in Wales published today.

Today, the Commission ~~which~~ I chair has presented ~~its~~ report on the powers of the National Assembly for Wales to the Secretary of State for Wales. We were set up over the last two and a half years ago since we were set up by the UK Government to review, we have been reviewing the Welsh devolution settlement and to identifying improvements to it. Our work as a Commission is now over, but the debate we are stimulating is only just beginning.

Our first report, published in November 2012, looked at the financial powers of the National Assembly. We made a series of recommendations aimed at increasing the financial accountability of the Welsh Government through the devolution of tax and borrowing powers. The UK Government accepted most of our recommendations. Parliament is now considering the resulting draft Wales Bill.

After publication of our first report, we moved on to the second and wider part of our remit. Today ~~the Commission~~'s report 'Empowerment and Responsibility: Legislative Powers to Strengthen Wales' makes 61 recommendations, ~~designed to which would~~ lead to a clear, well-founded devolution settlement for Wales. We propose ~~The report proposes~~ a realistic, phased timetable for implementation over ten years, including a Wales Bill in the next Parliament.

~~This article sets out the background and summarises our recommendations.~~

~~Our first report, published in November 2012, looked at the financial powers of the National Assembly. We made a series of recommendations aimed at increasing the financial accountability of the Welsh Government through the devolution of some tax and borrowing powers. We were pleased that the UK Government accepted most of our recommendations and that these are now being taken forward through the draft Wales Bill.~~

~~Following our first report, we started work on the second part of our remit looking at the wider powers of the National Assembly. Today's publication of that report is the culmination of that review and marks the conclusion of our work.~~

We wanted to produce a report which was evidence-based and that would be in the interests of the people of Wales – a report that would be focused on the needs of the citizen. We consulted as widely as possible across Wales and beyond. ~~W~~That is why we held ~~travelled the length and breadth of Wales holding~~ 16 public events all over Wales, from Abertillery to Wrexham. We ~~with over 400 people attending,~~ commissioned a major opinion poll and a questionnaire. We ~~in depth opinion poll of 2,000 people,~~ visited England, Scotland and Northern Ireland. We ~~and also~~ looked at the international evidence.

We ~~also~~ received over 200 evidence submissions ~~and five hundred responses to our own questionnaire~~. We ~~also~~ invited experts from a whole variety of fields to give oral evidence to us and we held expert sessions at universities throughout Wales.

We are immensely ~~very~~ grateful to all who have given us their views and evidence. The evidence we received gave us the solid basis for our conclusions and allows us to say with confidence that our recommendations will be widely supported in Wales.

As well as being evidence-based, we wanted to ensure that our report was based on a clear vision and ~~on a set of~~ principles. These principles are accountability, clarity, coherence, collaboration, efficiency, equity, stability and subsidiarity – powerful words against which we judged each proposal we were minded to make. As in, ~~broadly similar to~~ our first report, we also ~~and~~ emphasising the same theme of empowerment and responsibility.

~~W~~In the light of this evidence what did we find? ~~e found~~ I that the current settlement was overly complex; that there was a need for Governments and institutions to work together better; and that there was broad support for further devolved powers.

~~In response, our~~ ~~Based on the principles of accountability, clarity, coherence,~~ ~~collaboration, efficiency, equity, stability and subsidiarity,~~ the Commission's report has four key strands: to clarify the settlement; to make powers more coherent and exercised at the right level; to enhance scrutiny and accountability; and to improve the way devolution works.

~~We~~ ~~The Commission~~ recommends moving from the current *conferred* powers model of devolution to a *reserved* powers model. A reserved powers model, which sets out the powers which are not devolved rather than the powers that are, would clarify responsibilities and allow more effective, confident governance. It would also bring Wales into line with the other devolved administrations of the United Kingdom.

~~We~~ ~~The Commission~~ considered whether the National Assembly has the powers it ought to have. While the report proposes no reduction in the existing powers of the Assembly and no change in the majority of powers currently held by Westminster, it recommends the devolution of further powers in a number of areas, including:

- devolving most aspects of policing while ensuring that effective cooperation continues;
- a phased approach to the devolution of the justice system, devolving the youth justice system immediately with a feasibility study for the devolution of prisons and probation to follow;
- completion and implementation of a review of devolution of other aspects of the justice system by 2025;
- increasing the threshold for devolved consents for all energy generation from 50MW to 350MW;
- aligning the devolved competence for water to the national boundary, recognising the need for further consideration of the practical implications;
- devolving powers in relation to ports, rail, bus and taxi regulation, speed and drink drive limits;

- strengthening the Welsh dimension of BBC governance within the UK Trust framework and transferring the direct government funding of S4C from the UK Government to the Welsh Government; and
- specific recommendations on a range of other subjects such as the devolution of teachers' pay.

~~We~~The Commission also makes a number of recommendations to promote more effective scrutiny and performance within the National Assembly. We discuss some possible, including:

short term improvements, such as greater flexibility on the number and size of committees, increased numbers of research staff and better use of Assembly Members' time, but we also say clearly that the size of, and more backbench Members of the National Assembly should be increased so that it can perform its scrutiny function better.

Effective cooperation between Cardiff and London is crucial, and we~~To improve the way devolution works, the Commission call for~~ recommends more effective and more formalised relations between legislatures and Governments in both places. As far as Governments are concerned, we~~the Commission~~ recommends a Welsh Intergovernmental Committee that~~which~~ would oversee the Welsh devolution settlement. It would play an important role in taking forward the move to a reserved powers model; in considering proposals for changes to devolved responsibility raised in the future; in resolving disagreements without invoking the full dispute resolution process; in monitoring EU developments impacting Wales; and in resolving cross-border issues. We also~~The Commission~~ recommends a number of ways in which the National Assembly and the Houses of Parliament can work more efficiently together.

The report also recommends:

- improvements to~~for~~ public sector capacity;
- greater transparency and better access to clear and comparable data across the United Kingdom; and

- the sharing of best practice across the United Kingdom.

We have also been mindful of constitutional developments throughout our work. Our report is one of a series of events, including the Scottish independence referendum, which will shape the future of the United Kingdom. We have recommended changes that will allow both Wales and the United Kingdom to benefit whatever the wider constitutional future.

~~To conclude, the~~ current settlement is not sustainable and does not meet the aspirations of the majority of Wales. Our recommendations would provide for a stable and clear settlement ~~– a settlement that~~which will better serve the people of Wales and bring to an end a period during which constitutional issues have overly dominated the debate in Wales.

~~I am delighted that our report was unanimous. We look forward now to some vigorous debate, but we also believe~~

~~We have produced a unanimous report which we are pleased to present to the UK Government for implementation, and that we hope that our recommendations can will and should~~ be taken forward on a cross-party basis.

The full report and its Executive Summary can be downloaded from the Commission's website.