

## Was Chair, but Commission no longer – so speaking as self

### What were some of the key challenges of heading up the Silk Commission and formulating the Silk II report?

- Move from Clerk to Chair
  - Perhaps good for staff!
- Engagement of people – quality of evidence
  - PO's evidence: dividend of effort
- But lessons of select committees – how to build consensus
- Vital to have unanimity and for PC to be there
- Some compromises inevitable – and can be spotted
- Personalities made things easy
- Senior enough to depart from orthodoxies – and they did
  - Advantage over parliamentary committees
- So did staff – very much like committee teams

### Exploring the various positions taken by the main political parties and other key players in response to Silk II

- Broad welcome from all – maintaining consensus
- St David's Day agreement LCD, but still enormous way forward
- **CONSERVATIVES – the LCD**
  - Clarify the division of powers between Wales and the UK Government (*is this reserved powers?*)
  - devolve to Assembly control over its own affairs – including the Assembly name, size and electoral system, Assembly elections and voting age
  - implement other recommendations of the second Silk Report where there is all-party support as set out in the St David's Day Agreement; this will include devolving to the Welsh Assembly important economic powers over ports and energy consents
  - introduce a new Wales Bill *if these changes require legislation*

- continue to reserve policing and justice as matters for the UK Parliament
  - introduce a 'funding floor' to protect Welsh relative funding and provide certainty for the Welsh Government to plan for the future, *once it has called a referendum on Income Tax powers in the next Parliament*
  - make the Welsh Government responsible for raising more of the money it spends so the Welsh people can hold their politicians to account
- **LABOUR – also needed convincing to move**
    - will put Welsh devolution on the same statutory basis as Scottish devolution, with a clear principle that powers are devolved unless specifically reserved, and that a Welsh legislature is a permanent feature of our constitutional arrangements
    - take forward proposals from the Silk Commission to *extend* the power the people of Wales have over their elections, transport and energy
    - all-Wales Policing Plan will give the Welsh people the ability to shape local policing in Wales (*how far does this go?*)
    - Wales must not be unfairly disadvantaged by the Barnett formula.....establish a fair funding settlement for Wales, with the guarantee of a funding floor
  - **LIBERAL DEMOCRATS –our best supporters**
    - endorse the St. David's Day announcement and will implement it in full, devolving powers over energy, ports, local elections, broadcasting and more, and implementing a reserved powers model.
    - But this announcement does not go far enough. Liberal Democrats will go further and deliver proper Home Rule for Wales and a Welsh Parliament by:

- Implementing the remaining Silk Part 1 proposals on financial powers for Wales. We will consider the work of the Government's review on devolution of Air Passenger Duty (APD), with a view to devolving long-haul APD.
- Implementing the Silk Part 2 proposals by:
  - Transferring powers from the UK Parliament to the National Assembly over S4C, sewerage, transport, teachers' pay, youth justice, policing and in the longer term other justice powers.
  - Devolving funding of Network Rail in relation to the Wales network.
  - Strengthening the capacity of the National Assembly to scrutinise legislation and hold the Welsh Government to account.
  - Allowing the Welsh Government to set its own bank holidays.
  - Providing for a Welsh Parliament, preventing Westminster from being able to override Wales on devolved matters, and devolving the power to amend electoral arrangements for the Assembly and local elections in Wales with a two thirds majority.
- **PLAID CYMRU – we don't go nearly far enough**
- **UKIP**
  - St David's Day Bank Holiday and Barnett scrapped!

### **Some other relevant snippets from manifestoes**

- Labour

- o People-led constitutional convention
- o Elected Senate of the Nations and Regions
- o McKay Commission nod
- o More than Smith for Scotland
- o English devolution
  
- Conservatives
  - o We will work to ensure a stable constitution that is fair to the people of England, Scotland, Wales, and Northern Ireland
  - o English votes for English laws
  - o No Lords reform in next Parliament
  - o We will devolve far-reaching powers over economic development, transport and social care to large cities which choose to have elected mayors
  
- Lib Dems
  - o Devolution on demand in England
  - o English stage for English laws in Parliament
  - o Elected Lords
  
- Electoral arithmetic: possibility for devolution in strong SNP/danger of English backlash

**Horizon scanning: what would the Chair of the Commission like to see happen next**

- o Going to concentrate on Assembly
- o More powers = more responsibility = more scrutiny of how Assembly does its job = more work
- o Wales Act 2014

- Increased size
  - As SPG said, “profile, effectiveness and legitimacy” of Assembly affected by current size
  - Whipping makes independence difficult
  - Depressing political difficulties
  - In absence of this, a sort of Standing Body of experts?
  - Certainly, an increase in advice capacity
- Diverse AMs of high capacity standing for election
- NAW normalized as a Parliament
- LCMs normalized in constitution (Sewel Convention to be put on statutory footing)
- Interparliamentary communications improvement
  - Parliamentary diplomacy
- Joint working between Committees
  - More maturity: what do citizens want?
- McKay’s HofC Devolution Cttee

The Commission also considered establishing a new Commons Devolution Committee:

24. A Devolution Committee of the House of Commons could consider the consequences of UK decisions on cross-border effects and hold UK/English ministers to account. It would also allow scope for an evaluation of LCMs and how they work in practice. The awareness of the implications of devolution in Parliament would be enhanced. The appointment by the House of Commons of a select committee with a broad remit is recommended.

- The Commission recommended the Committee be constituted as a select committee and suggested that the chairs of the three territorial committees might be members of the committee *ex officio*, along with the chair of the Political and Constitutional Reform Committee and other MPs drawn from across the UK. Its overall role would be to scrutinise the devolution settlement
- Why not devolved Parliament representatives?
- British/Irish Parliamentary Assembly: British interparliamentary Body?
- Dangers – always also opportunities
  - Reserved powers: all it’s cracked up to be?
  - Wales’s voice is heard less
    - Territorial Ministers’ future?
    - Concentration on Scotland
    - English devolution
    - Lords reform – but 1911
    - Need to be shouty

**How might future constitutional change following the Commission's Part II report impact on the work of Assembly Commission staff? What should staff be thinking about for the future?**

- Disillusion with electoral politics and political institutions: challenge of demonstrating that NAW adds value
- Are your committee structures fit for purpose?
- Are AMs fully engaged? Do they work hard enough and long enough? [deconstruct "smarter working"] Are they ready for a bigger workload?
- Is all time usefully employed?
- Are they holding the Government and Welsh public bodies' feet to the fire?
- Are they adding real value to public discourse and accountability?
- How is the dilemma of constituency and national responsibilities to be solved?
- Politicians, of course – but you as well
- Part of the responsibility for the future success of the Assembly sits on your shoulders
- OPO became APS – vision of a Parliament being fulfilled
- Belief in, and commitment to, parliamentary democracy and this institution
- Sure you are up for it, and up to it