

## **Agenda – Reform Bill Committee**

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Meeting Venue:	For further information contact:
<b>Committee Room 1, Senedd</b>	<b>Helen Finlayson</b>
Meeting date: Wednesday 10 January 2024	Committee Clerk 0300 200 6565
Meeting time: 09.15	<a href="mailto:SeneddReform@senedd.wales">SeneddReform@senedd.wales</a>

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**The Committee agreed on 13 December 2023 in accordance with Standing Order 17.42(ix) to exclude the public from this meeting.**

- 1 Introductions, apologies, substitutions, and declarations of interest**  
(09.15)
  
- 2 Papers to Note**  
(09.15)
  - 2.1 Response from the Senedd Commission regarding the Senedd Cymru (Members and Elections) Bill and constituency office provision – 1 December 2023**  

(Pages 1 – 2)
  
  - 2.2 Additional information provided by Professor Laura McAllister and Dr Vale Gomes following the evidence session on 26 October 2023**  

(Pages 3 – 7)
  
  - 2.3 Response from the former Chair of the Committee on Senedd Electoral Reform regarding the Senedd Cymru (Members and Elections) Bill – 19 December 2023**  

(Pages 8 – 12)

**2.4 Additional information provided by Boundaries Scotland following the evidence session on 9 November 2023**

(Pages 13 – 14)

**2.5 Letter from the Counsel General and Minister for the Constitution regarding a joint schedule of amendments for the Senedd Cymru (Members and Elections) Bill and the Elections and Elected Bodies (Wales) Bill – 11 December 2023**

(Page 15)

[Letter from the Counsel General and Minister for the Constitution to the Legislation, Justice and Constitution Committee – 11 December 2023](#)

[Joint schedule of amendments: Elections and Elected Bodies \(Wales\) Bill and the Senedd Cymru \(Members and Elections\) Bill – 11 December 2023](#)

**3 Senedd Cymru (Members and Elections) Bill: draft report**

(09.15 – 12.15)

(Pages 16 – 238)

**Supporting documents**

Paper 1 Stage 1 report publication

Paper 2 Draft report

Paper 3 Additional background information



**Y Gwir Anrhydeddus Elin Jones AS**

Llywydd, Senedd Cymru

**Right Honourable Elin Jones MS**

Llywydd, Welsh Parliament

**Agenda Item 2.1**

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David Rees MS

Chair of the Reform Bill Committee

14 December 2023

Dear David,

### **Senedd Cymru (Members and Elections) Bill: Constituency Office Provisions**

Thank you for your letter of 1 December about the considerations of the Reform Bill Committee.


I am writing in response to your request for information about the Commission's considerations relating to hub working. You made particular reference to the proposal made by the Public and Commercial Services Union, in a letter to your Committee, that 'consideration be given to the establishment of 16 permanent constituency offices, one in each of the new Senedd constituencies, from which Members, support staff and Commission staff could operate.'

In our meeting of 30 January this year the Commission was presented with information about themes which had emerged from the engagement exercise with Members, which had been undertaken during the latter part of 2022 as a joint exercise with the Independent Remuneration Board.

The purpose of the exercise was to establish a better understanding of Members' medium-to-long term ways of working needs with an intention that the findings would inform future service and support provision. Two thirds of Members participated. The views Members expressed were presented to us in five main themes one of which was Hub Working. Commissioners noted the strength of feeling expressed against hubs as shared constituency office space for Members and as a Commission we therefore did not intend to explore the option further.

I hope that this information is useful to the Committee's considerations.

RBC(6)-01-24 Papur i'r nodi 2.1 | Paper to note 2.1  
Yours sincerely,

A handwritten signature in blue ink that reads "Elin Jones".

The Rt. Hon. Elin Jones MS/AS

Llywydd, on behalf of the Senedd Commission

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English

Additional information provided by Professor Laura McAllister and Dr Vale Comes following the evidence session on 26 October 2023.



## Reform Bill Committee

*Further evidence submitted by Professor Laura McAllister and Dr Larissa Peixoto Vale Gomes, Wales Governance Centre, Cardiff University.*

We submit this note to the Committee as an addendum to the evidence that Professor McAllister gave at the Committee's session on 26th October 2023 (along with Professor Alan Renwick). The discussion and questioning that ensued did not cover the matter of job share, so we are setting out some thoughts on this issue here. Dr Gomes works with Professor McAllister on this area.

The Senedd Cymru (Members and Elections) Bill's provisions relating to job share are set out in Section 7. The Bill does not make provision to introduce job sharing; rather, Section 7 requires the Llywydd of the seventh Senedd (following the 2026 Senedd election) to table a motion to propose setting up a Senedd committee to explore specified matters relating to job share. Should a committee be established, it would be required to report on the viability of job share, and the Welsh Government would then be required to respond.

Seeking to commit a future Senedd to an action such as this is unusual, as is placing a statutory duty on a future Llywydd. We concur with the evidence submitted by the current Llywydd questioning the appropriateness of this. We regard this requirement as overly prescriptive. It also poses risks as to the surety of progress for such a review, as well as representing an anomaly in parliamentary practice.

Furthermore, we regard such a delayed timeline to be extremely disappointing. As many as four in ten employees across sectors currently have an option of job share available to them. Since 2019, job share schemes are also operational in many local authorities in Wales and beyond. Moreover, job share for elected politicians has been on the political radar in Wales for quite some time. Postponing any serious further investigation until after elections to a reformed and enlarged Senedd seems to us anomalous.

We understand that job share for AMs/MSs was considered in some detail by the Independent Remuneration Board. It was then explored more expansively, using a suite of evidence and research, by the Expert Panel on Assembly Electoral Reform, which Professor McAllister chaired. Its report "A Parliament that Works for Wales" was published in 2017.

There are many reasons why job share would benefit Senedd politics and enhance Wales's democratic landscape. These include:

- strengthening diversity of representation;
- potentially improving the calibre of candidates for election;
- aligning better with Well-Being and Future Generations goals.

There continues to be some (although not a substantial amount) of academic research on the benefits of job share for elected politicians. This mostly uses a gendered lens to explore the obstacles facing women in entering political office. Females generally have considerably more caring responsibilities than males.

There is also evidence to suggest that disabled people, who are relatively over-represented in Wales compared to UK, are underrepresented when it comes to elected office here, thus restricting their voice, power and influence. Other considerations include potential election candidates who are professionals in fields where regular practice accreditation is mandatory, thus making it problematic to give up the profession entirely to assume office. That is especially important given the obvious precarious nature of elections.

Less well-researched, but nevertheless likely to carry some weight, is that job share might offer an additional attraction to those working in the private sector or in business.

It is also argued that two individuals might bring more to the table, thus generating additional skills and capacity for the institution.

In summary, job share at least carries the potential to widen the pool of election candidates by admitting those who would just prefer not to be full-time politicians. This has some scope to rebuild the clearly broken relationships between the public and those elected to serve them (see <https://www.ucl.ac.uk/constitution-unit/research-areas/deliberative-democracy/democracy-uk-after-brexit/future-democracy-uk>).

In terms of operationalising a job share policy, we would highlight some basic principles:

First, conditions around job share should state that that job share candidates represent a “single legal identity”. They effectively constitute one person or MS, as was said in the Expert Panel report. Two candidates (whether party affiliated or independent) should stand as a single candidate on the ballot paper on an agreed, single platform of policies, goals and agreed working arrangements. There should be no additional cost incurred (minor costs relating to home office requirements being the only consideration).

Formalisation of job sharing arrangements for elected representatives would put Wales at the forefront of this democratic innovation. Although there are several experiences around the world, broadly termed 'collective mandate' or 'collective representation', these have had varying degrees of success, mostly due to the lack of formalisation that enshrine how this operate.

'Job sharing' is one type within collective representation experiences and has not been found enshrined in law elsewhere. However, particularly in Brazil, it has been a somewhat popular means of campaigning and sharing the responsibilities of the office. There, either all members of the would-be collective mandate ran on their own and whoever won would become the representative of record, or one is selected to run while co-candidates are part of the campaign and representation efforts.

By way of international practice, Brazil has demonstrated a degree of success, particularly at the election stage. It is indicative of promoting greater diversity both in co-candidates and in elected members. However, because no rules exist on this type of representation, and often only one representative is in fact recognised by law, there are also experiences of internal breakdown. In one case, the representative of record decided to renounce her position without conferring with co-representatives, which led them to lose the mandate (Sônia Lansky, Coletiva collective, Belo Horizonte, Brazil).

This further demonstrates that job sharing politics is more than sharing the responsibilities of a 'typical' job. While it appears to lead to greater diversity, it does require the formalisation of rules to recognise all co-representatives as stated above. This would be possible through the Senedd Cymru Bill.

Finally, we are cognisant of possible legal challenges to job share. However, we regard this proposal as being likely to fall under the competence of the Senedd as it relates specifically to Senedd elections. We are also aware that Professor Emyr Lewis of Aberystwyth University has highlighted the exception to the reserved equal opportunities powers relating to "the encouragement...of equal opportunities".

In conclusion, we believe there are clear opportunities for faster progress on job share and we would urge that speedier routes are pursued concurrently with changes to the size and electoral system of the Senedd. As we understand it, there is no procedural or legal bar to the sixth Senedd establishing a committee to work on job share during this term. We regard none of the potential obstacles raised as being insurmountable. Moreover, in commending such an action, we feel it would allow a stronger synergy with the other measures introduced in the Bill to improve diversity and to reinvigorate our democracy in Wales.



*Professor Laura McAllister and Dr Larissa Peixoto Vale Gomes*

# Agenda Item 2.3



**Dawn Bowden MS | AS**

Aelod o'r Senedd dros  
Merthyr Tudful a Rhymni

Member of the Senedd for  
Merthyr Tydfil and Rhymney

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David Rees MS  
Chair of the Reform Bill Committee  
SeneddReform@Senedd.Wales

19 December 2023

Dear David,

Thank you for your invitation to respond to the Senedd Cymru (Members and Elections) Bill (“the SCME Bill”), as the former Chair of the Committee on Senedd Electoral Reform (“the CSER”).

Whilst I am sure you will be familiar with the CSER’s report, I have enclosed a summary of its recommendations with this letter.

In terms of the SCME Bill, I am pleased to observe that it provides for much of what the CSER Committee recommended, albeit with some differences following the further work of the Special Purpose Committee on Senedd Reform (“the Special Purpose Committee”).

In broad terms, the CSER made recommendations in relation to the size of a future Senedd and the means of electing its members, and in relation to electing a more diverse Senedd.

I seek to address how these recommendations have been addressed below.

## **Size of the Senedd and electoral arrangements**

CSER recommended an increase in size of between 80 and 90 members. The SCME Bill provides for an increase to 96 members. Whilst this is a marginally greater increase in size than recommended by CSER, it is an arithmetically logical number to arrive at in light of the change in the number of Welsh Westminster constituencies to 32, a number that had not been agreed when the CSER arrived at its conclusions.

The SCME Bill addresses the CSER’s recommendation that ongoing boundary review arrangements be established for Senedd constituencies.



CSER recommended the introduction of the Single Transferable Vote (STV) electoral system. This is, of course, different to the closed list system recommended by the Special Purpose Committee and that has been provided for in the SCME Bill. However, the SCME Bill still provides for an electoral system that is not less proportional than the current system for Senedd elections. The SCME Bill goes some way towards meeting the principle of the CSER's recommendation, even if it does not deliver the system that was preferred by the CSER at the time of its work.

### **Election of a more diverse Senedd**

Recommendations were made by the CSER with a view to progressing towards the election of a more diverse Senedd. In making these recommendations, the CSER was aware that legislative change in this area could be challenging, due to possible constraints on the Senedd's legislative competence.

The Welsh Government's intention to introduce a second Bill to legislate for a more diverse Senedd is welcome, and would meet the CSER's desire to see steps taken towards enabling the election of a more diverse Senedd.

Thank you again for the opportunity to respond to the SCME Bill, as the former Chair of the CSER Committee. The work of the CSER showed that there was clear and compelling evidence for electoral reform. The introduction of legislation to deliver electoral reform represents a significant step toward delivering the reforms recommended by the CSER.

I wish you and the Reform Bill Committee well in your scrutiny of the SCME Bill.

Yours Sincerely,

A handwritten signature in black ink, reading "Dawn Bowden". The signature is written in a cursive style with a large initial 'D' and 'B'.

**Dawn Bowden MS**  
**Member of the Senedd for Merthyr Tydfil & Rhymney**

Enclosed: PDF Summary of the CSER recommendations

# **Senedd reform: the next steps**

## Summary of recommendations

September 2020

The Committee on Senedd Electoral Reform was established to examine the recommendations of the Expert Panel on Assembly Electoral Reform in respect of the size of the Senedd and how Members are elected.

These issues are central to representative democracy in Wales. We know that more still needs to be done to build political consensus around specific reform proposals, but we believe that there is clear and compelling evidence that electoral reform is required. This note summarises our recommendations. Full details may be found in our report: *Senedd reform: the next steps*.

It is matter of deep regret that the Welsh Conservative group in the Senedd decided not to participate, and that the Brexit Party group withdrew at a late stage after we had already reached initial conclusions on many of the issues.

Legislation to reform the Senedd will require broad political consensus, including a 40 Member supermajority. We hope, therefore, that all political parties who contest the 2021 Senedd election will reflect carefully on our conclusions and recommendations; that they will work together to reach consensus on reform proposals; and that they will commit to taking legislative action early in the Sixth Senedd to reform our legislature and strengthen our democracy in Wales.



**Dawn Bowden MS**  
**Chair, Committee on Senedd Electoral Reform**



## How many Members and how they should be elected

1. We agree with the Expert Panel that the Senedd is currently too small, and recommend that a Bill should be introduced early in the Sixth Senedd to:
  - **Increase the size of the Senedd to between 80 and 90 Members.**  
We believe that investing in our democracy will be cost effective by improving governance and representation, enhancing scrutiny and oversight of the Welsh Government, and leading to more effective policy, more efficient spending and better legislation.
  - **Introduce the Single Transferable Vote (STV) electoral system.**  
This will give voters more choice, maintain clear links between Members and constituencies, and produce more proportional electoral outcomes.
  - **Establish boundary review arrangements.**  
As well as establishing multimember STV constituencies, ongoing boundary review arrangements will help to maintain equal representation and voting power for people across Wales.
2. If reforms are to take effect at the 2026 election, **political consensus needs to be reached very early in the Sixth Senedd** on the proposed reforms and who will develop and lead the legislation.

## Electing a more diverse Senedd

3. We strongly believe that there should be **broadly equal numbers of women and men in the Senedd**, and that there should be **Members of the Senedd from a range of diverse communities and backgrounds**.
4. We would like to see **positive action to help overcome the structural inequalities and barriers in society** which make this difficult. Some of the actions we have recommended include:
  - Political parties **publishing information about how diverse their electoral candidates are** and **plans setting out how they will increase diversity and inclusion** in the way they work.
  - More cross-party work on how **job sharing for Members of the Senedd** and **diversity quotas for protected characteristics other than gender** could work in practice.
  - Providing **financial support to people with disabilities who want to stand for election**, and changing the rules so that **spending as a result**

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## **of disability, childcare or other caring responsibilities does not count towards election campaign spending limits.**

5. Political parties could already do some of these things voluntarily, and we think they should. Other actions would need legislation. The Senedd's powers to make laws about equality and diversity are limited. Before including gender or diversity quotas in a Senedd reform Bill, Members would have to consider these limits and the impact on the overall timescales if the Senedd did not have the necessary powers to legislate. We have recommended that the **UK Government should be asked to make sure measures to increase the diversity of the Senedd's membership would be within the Senedd's powers.**

## Public awareness, understanding and engagement

6. People in Wales have different levels of understanding about what the Senedd and its Members do and how Members are elected. This makes it harder to encourage people from different communities or backgrounds to take part in the Senedd's work or to think about standing for election. It also makes it more difficult to explain why we believe the number of Members should be increased.

7. The work already happening to tell people about the changes to who can vote in Senedd elections and the Senedd's new name may help, but we need to **make sure that communication reaches everyone in Wales**, and encourages them to vote and to take part in the Senedd's work. We believe it would also be helpful for the Senedd to provide **more information about what Members do and how the Senedd's work makes a difference** to the issues people care about.

8. We had planned to hold a citizens' assembly to bring together people from across Wales to learn about the Senedd's role and discuss how many Members the Senedd should have. Unfortunately, the COVID-19 pandemic meant that we could not do this safely. We recommend that a **citizens' assembly should be held as part of developing a Senedd reform Bill.**

## A 60 Member Sixth Senedd

9. The number of Members cannot be increased until 2026. This means that **interim measures** will be needed to help the 60 Members of the Sixth Senedd fulfil their representative, scrutiny and legislative roles effectively.

10. The Senedd will need to consider how well different options might work and whether there could be any unintended consequences. It may be possible to learn lessons from new ways of working used during the COVID-19 pandemic, or to try out other options between now and the end of the Fifth Senedd.

Additional information provided by Boundaries Scotland following the evidence session on 9 November 2023.



**1. The process by which Boundaries Scotland's budget is set, including (a) whether the budget is laid before the Scottish Parliament and (b) whether, and if so how, the budget proposals are scrutinised by the Scottish Parliament.**

Boundaries Scotland produces a corporate plan annually setting out its financial plans for the current and future two years. This is used by Scottish Government to inform budget allocation. A line for Boundaries Scotland is included in the annual Budget Bill which goes through the Scottish Parliament. There is no other specific scrutiny of the budget by Parliament.

**2. Whether Boundaries Scotland's accounts or annual reports are (a) laid before the Scottish Parliament and (b) routinely scrutinised by a Scottish Parliament committee**

Boundaries Scotland does not hold its own budget so does not produce annual accounts. Its budget is held by Scottish Government. Boundaries Scotland does produce an annual report summarising key activities and outturn against budget allocation. This is not laid in the Parliament but is available via the Commission's website.

**3. The process by which the Chair and members of Boundaries Scotland are appointed, including what role (if any) the Scottish Parliament and/or its committees have in those processes.**

The Chair and members of Boundaries Scotland are appointed by Scottish Ministers through the Scottish Government public appointment process. There is no role for the Parliament and/or its Committees.



**Mick Antoniw AS/MS**

**Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad**

**Counsel General and Minister for the Constitution**



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA/CG/2145/23

David Rees, MS  
Chair  
Reform Bill Committee  
Senedd Cymru  
Cardiff Bay  
CF99 1SN

11th December 2023

Dear David,

Please find enclosed a copy of a letter to the Chair of the Legislation, Justice and Constitution Committee regarding a joint schedule of amendments for the **Senedd Cymru (Members and Elections) Bill** and the **Elections and Elected Bodies (Wales) Bill**. A copy of the joint schedule of amendments for the two Bills is attached to that letter.

I have also copied the letter to the Chair of the Local Government and Housing Committee.

Yours sincerely,

A handwritten signature in blue ink that reads 'Mick Antoniw'. The signature is written in a cursive style and is underlined with a single horizontal line.

**Mick Antoniw AS/MS**

**Y Cwnsler Cyffredinol a Gweinidog y Cyfansoddiad**

**Counsel General and Minister for the Constitution**

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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.

# Agenda Item 3

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

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