



Ein cyf/Our ref : RE/280/20

Dawn Bowden MS
Chair, Committee on Senedd Electoral Reform

11 August 2020

Dear Dawn,

Thank you for your letter seeking the Welsh Government's views on a range of matters being considered by the Committee, including the impacts of Covid-19, Local government electoral reform, Senedd electoral reform and boundary changes and also the legislative approach.

Impacts of Covid-19

We are pleased that the Senedd was able to adapt, following public health advice, to ensure that our legislature continued to operate despite the unprecedented circumstances of the pandemic. Although this is not a matter for the Welsh Government, we would be happy to engage to the extent appropriate on further exploration of whether the flexibility offered by temporary pandemic measures could be deployed on a more permanent basis to enable Members to manage their workloads and other responsibilities more effectively.

The scale of the challenge presented by the pandemic has been huge – not just for the Senedd and the Welsh Government, but also for businesses, public services and individuals across Wales, and beyond.

The current size of the Welsh Government has not been prohibitive in our ability to respond to the pandemic. Given the wide-reaching and cross-cutting nature of the response the First Minister has rightly taken the lead, supported by other Welsh Ministers on specific areas of our response.

Without a temporary change in working practices of the Senedd – for example a reduction in the number of Committee meetings and reduced Members at Plenary sessions – there could have been a greater impact on the ability of the Senedd to undertake scrutiny in the event that Members were unavailable due to shielding or self-isolating.

The Welsh Government has committed to establishing a fund to support disabled candidates stand for election. While the response to Covid-19 has had an impact on the timing of this work, we expect to be in a position to consult on arrangements for the fund

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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.

and its operation later this year. This will be important in ensuring the approach delivers the broadest range of support possible.

While the response to the Covid-19 pandemic has caused some delay in timetables, officials are working with stakeholders to ensure the necessary legislation to exempt disability and translation related expenses is in place for the 2021 Senedd elections. The intention is that the legislation is in place before the end of the calendar year to allow candidates and the electoral community sufficient notice of these changes.

The Welsh Government has written to the UK Government in support of commencement of section 106 of the Equality Act and we await a response.

Local government electoral reform

The Welsh Government will publish the regulations setting out the model of STV to be used at local government elections in the Local Government Elections Rules that will be made prior to the 2022 local government elections. These regulations will set out how the system should work in practice and will provide local authorities with sufficient time to consider the system in detail before implementing any changes the Authority may wish. Welsh Government officials have commissioned research into different models of STV and will be consulting on possible options before implementing the necessary legislation in 2021. The model adopted by the Welsh Government will be driven by this research and the feedback from consultees.

Electoral system and boundary reform

We anticipate that the Welsh Government of the day would consider itself responsible for the development and promulgation of any legislation relating to Senedd electoral reform and the implementation of that legislation, and would lead on public information and awareness-raising, working with stakeholders.

The financial implications of any reform would need to be considered as part of legislation to bring about changes to the current arrangements. Any financial implications for local authorities or Welsh Government sponsored bodies would be taken into account through the usual budget processes.

Welsh Government resources are deployed according to Ministerial priorities. Currently, COVID-19 is the overriding priority. There is also capacity, albeit limited, to pursue the necessary actions to ensure that the Senedd election in 2021 can proceed (many of which are of course now part of the pandemic response itself). If a future Welsh Government prioritised Senedd electoral reform, then resources would be allocated accordingly.

Electoral administrators in Wales have shown on a number of occasions that they are able to adapt to and implement significant changes within the devolved electoral system. While the Welsh Government believes that administrators would be able successfully to implement any changes to the Senedd electoral system, there would have to be significant and prolonged consultation with the electoral teams throughout the reform process. Consideration would need to be given to support through engagement, training and the adoption of appropriate timeframes for introducing reforms. Additionally, consideration would need to be given to the necessary changes to the Electoral Management Software systems. These changes would need to be project managed and funded centrally with significant and consistent engagement with administrators. It would require officials to have

a significant level of digital competence and the ability to work with external commercial suppliers. Given the possible breadth of the reforms, this would be likely to be a lengthy project and would require significant investment from the Welsh Government and electoral management teams in ensuring the products are delivered within time and to specification.

The Electoral Commission guidance suggests that all reforms are in place at least 6 months before an election to allow for administrators to implement them successfully. However given the importance of any such reforms, the Welsh Government believes they would need to be in place at least a year before a Senedd election to allow administrators sufficient time to prepare fully for the successful delivery of the election.

Legislative approach

For clarity, on the Senedd and Elections Bill, Welsh Government officials undertook work for the Llywydd on extending the franchise to 16 and 17 year olds under terms of a Memorandum of Understanding. However, whilst this was workable for a discrete area of policy where there was agreement between the Welsh Government and the Llywydd on the policy, in the Welsh Government's view it would be unworkable and untenable for more extensive areas of policy and/or longer periods of time to be pursued in that way, as it would potentially put officials and Ministers in conflicting positions. Separately, other Welsh Government officials met Senedd Commission officials regularly (and supported less frequent meetings between Ministers and the Llywydd) to discuss policy positions, and offer comments on drafts, for other parts of the Bill. Where policy positions and drafting comments were not reflected in the Bill, the Welsh Government proposed amendments after introduction.

It is our clear view that the Welsh Government of the day should lead on any future reform. The Civil Service has a wealth of experience in developing policy and drafting legislation that is well suited to dealing with this complex subject and the Welsh Government has an established group of stakeholders accustomed to being engaged in policy discussions with Welsh Government officials, which are underpinned by strong statutory and intergovernmental machinery and relationships. It would also provide a clear understanding about accountability for the policy in the Bill.

However, given that changes to the Senedd's arrangements would be subject to a two-thirds majority requirement, appropriate engagement and consultation with opposition parties would be important from the early stages.

Finally, the Welsh Government welcomes the Law Commission's recommendations. Electoral reform is very important to ensure access to, and confidence in, the democratic system. We work closely with the other governments within the UK, as well as with

stakeholders, to development and implement proposals for electoral reform, alongside other priorities.

Yours sincerely,



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