

# **Senedd Cymru (Members and Elections)**

## **Bill: Stage 1 report**

### Summary of recommendations

January 2024

Today, the Senedd is at the heart of a Welsh democracy which we prize so highly. Members of the Senedd are elected to work for and with the communities they represent to ensure that their interests are always to the fore of what Members do in undertaking their responsibilities. In doing so, Members hold the Welsh Government to account, and seek to improve policy, legislation, spending and taxation decisions through robust and effective scrutiny.

The majority of Committee members are persuaded by the evidence that reform is needed, and that a larger Senedd will be better able to fulfil its responsibilities to the people of Wales, now and in the future. The proposed size of 96 is beyond the higher end of any previous proposals, but we have heard no evidence-based case that it is an excessive or inappropriate number.

We have not reached consensus on all matters. There are different views about whether the general principles should be agreed and on some other matters. But, we are unanimous in our concerns about the proposed closed list electoral system which is included in the Bill, its impact on voter choice, and the extent to which it will contribute to a healthy democracy in Wales. We believe the link between voters and the Members who represent them is paramount, and must not be lost through these reforms.



David Rees MS  
Chair, Reform Bill Committee



## Introduction

1. This note summarises some of the key issues and recommendations arising from our work. More information about our work, including our full report, is available at [www.senedd.wales/SeneddReform](http://www.senedd.wales/SeneddReform).

## General principles of the Bill

2. The Member in charge of the Bill (the Welsh Government's Counsel General and Minister for the Constitution) said the Bill would deliver:

*"A more effective Senedd, with the ability and capacity to hold the Welsh Government to account; a more representative Senedd to better serve the people of Wales".<sup>1</sup>*

3. Our role is to consider and report on the general principles of the Bill. In doing so, we have reflected on the views shared with us by the public<sup>2</sup>, including those who have signed the petition opposing the Bill<sup>3</sup>. We have also reflected on the body of academic and parliamentary evidence developed over the last 20 years, from the Richard Commission onwards. While we understand the concerns, and respect the views of those who oppose the Bill, a majority of Committee members believe the evidence is clear that legislative reform is needed to ensure the Senedd has sufficient capacity to fulfil its functions on behalf of the people of Wales. Therefore, **the majority of Committee members agree the Senedd should vote in favour of the general principles of the Bill at Stage 1** to enable it to proceed to the amending stages of the legislative scrutiny process.

## Number of Members of the Senedd

4. The Senedd currently has 60 Members. The Bill proposes an increase to 96. Like those who have considered this issue before us, we have heard evidence about the risks associated with the current size, and the opportunities that may be missed to improve outcomes for people and communities across Wales if the Senedd's scrutiny and representative capacity is not increased.

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<sup>1</sup> Plenary RoP [para 204], 19 September 2023

<sup>2</sup> Responses may be found in full on the [consultation webpage](#).

<sup>3</sup> [Petition: 'I oppose the Welsh Government "Senedd Reform Bill" published 18 September 2023, becoming law'](#) [accessed 2 January 2024]

**5.** The majority of Committee members agree that there is a clear rationale for increasing the number of Members of the Senedd.

### **Number of Deputy Presiding Officers**

**6.** The Senedd is currently required to elect one Deputy Presiding Officer. The Bill proposes flexibility to elect one additional DPO. **We are content with this provision.** It is appropriate that a parliament has flexibility over its own internal arrangements and structures. We call on the Business Committee to consider whether **any procedural changes** are needed to reflect the provision.

**7.** The Senedd's legislative competence over the titles of 'Presiding Officer' and 'DPO' is limited, but the English titles are not widely-understood. We call on the Business Committee to use the power in section 25(2) of the Government of Wales Act 2006 to specify that **in English the PO and DPO are to be known as the Speaker and Deputy Speaker.**

### **Number of Welsh Ministers**

**8.** In 2006, the maximum size of the Welsh Government was increased from nine to 14 (a First Minister and Counsel General, and up to 12 Ministers or Deputy Ministers). The Bill proposes increasing the maximum number of Welsh Ministers and Deputy Ministers from 12 to 17. It also proposes a regulation-making power to enable further increases to 18 or 19. The regulations would be subject to the affirmative scrutiny procedure, which requires a simple majority.

**9.** We accept that an increase to 17 could provide future First Ministers with greater flexibility and scope to ensure that Ministerial portfolios do not become too broad or unwieldy. We also accept that it has the potential to increase the effectiveness of government.

**10.** However, **a majority of Committee members do not believe it is appropriate for any further changes to the maximum limit to be made by subordinate legislation.** By majority, we call on the Member in charge **to remove the regulation-making power.** **If he does not do so,** we recommend changes to the scrutiny procedure that applies, including **requiring a supermajority** of two-thirds of the number of Senedd seats.

### **Frequency of ordinary general elections**

**11.** Before 2011, Senedd elections took place every four years. To reflect changes made at a UK level by the Fixed-term Parliaments Act 2011, the Wales Act 2014

increased this to every five years. The Bill proposes reducing the term to four years. It is disappointing that the Welsh Government has brought forward a substantive policy proposal without any prior consultation or engagement. But, we recognise the **increased accountability and focus that shorter electoral cycles** would offer.

**12.** The change will increase the likelihood of clashes with other elections. We call on the Member in charge to explain **why the Welsh Government is not also reducing the length of local government terms, and to begin consulting on this change without delay.** We also call for consideration of the impact on public appointments, and for cost estimates to be updated to reflect the impact of certain statutory duties under the Wellbeing of Future Generations (Wales) Act 2015 being engaged more frequently.

### **How Members are elected**

**13.** The Bill proposes a closed list electoral system using the D'Hondt formula to allocate seats to independent candidates or political parties' lists.

**14.** Getting the electoral system right is fundamental to the health of democracy in Wales. Having considered the evidence carefully, and notwithstanding the potential increase in proportionality that a closed list system could deliver, **we have significant reservations about whether a Bill that implements closed lists necessarily represents a positive step forward for democracy in Wales.**

**15.** We urge the Member in charge to work with all political parties in the Senedd to reach agreement on amendments to the Bill that can ensure the electoral system provides greater voter choice and improved accountability for Members to the electorate.

**16.** Notwithstanding our reservations, if the closed list system is implemented, we call on the Member in charge to:

- Include a requirement on the face of the Bill that **ballot papers must include the names of all candidates**, including the names of candidates standing on lists submitted by registered political parties.
- Ensure the Bill **enables all vacancies arising between elections to be filled**, including vacancies left by Members elected as independents or by Members elected to represent parties whose candidate lists contain no further eligible or willing candidates. We also ask the Business Committee to consider whether any procedural changes are required to mitigate the impact on Senedd business, including the committee

system, either of vacancies that cannot be filled or of changes in the political composition of the Senedd between general elections.

**17.** Whichever electoral system is implemented, and whatever its detailed design, there must be **effective public information and awareness-raising**, and **electoral administrators and returning officers must have the financial and other support and resources they need to implement the provisions in the Bill**. We call on the Member in charge to provide assurances in this regard.

### **Democracy and Boundary Commission Cymru**

**18.** The Bill proposes repurposing and renaming the Local Democracy and Boundary Commission for Wales as the Democracy and Boundary Commission Cymru to reflect its new responsibilities for undertaking boundary reviews of Senedd constituencies.

**19.** We are content with the functions for Senedd constituency boundary reviews being conferred on the repurposed LDBCW, and support it being renamed to reflect its broader role. We have **concerns about the proposed maximum number of commissioners**, and recommend the limit is reduced. We call for consideration to be given to the **geographical diversity of commissioners**, and for **people employed by the Welsh Government or political parties to be disqualified from holding key DBCC roles**. We also seek assurance that certain terms used in the Bill are sufficiently clear and consistent with the terminology used in other legislation.

**20.** It is important that there are arrangements in place that balance: respect for the DBCC's independence; assurance that its ongoing governance and operation are effective; and transparency in the appointment process. We call on the Business Committee to consider **appropriate accountability arrangements**, and suggest that these should include pre-appointment hearings as part of the processes for appointing the chair and chief executive of the DBCC.

### **Senedd Cymru constituencies and boundary reviews**

**21.** There are currently no mechanisms for reviewing Senedd boundaries. The Bill proposes an initial 'pairing' review of the 32 UK Parliament constituencies, and subsequent 'full' reviews to take effect for the 2030 election and at eight-year intervals thereafter.

**22.** By majority, we are content with the 16 six-Member constituency model proposed in the Bill. We are assured that while there are complexities associated

with implementing the boundary model for 2026 **it is achievable provided there is no slippage in the timescales.**

**23.** We are broadly content with the proposed processes and rules for the pairing and full boundary reviews, although we highlight some technical matters and call for the Member in charge to:

- Respond to the LDBCW's recommendations for technical changes.
- Specify on the face of the Bill that the Welsh language is one of the local ties that the DBCC should take into account when determining constituency boundaries.
- Reduce the permissible variance in constituency size.
- Include attainers within the calculation of the electoral quota.
- Move the deadline for publishing the final reports of full boundary reviews to avoid clashing with the deadline for publishing revised registers of electors following the annual canvass.
- Reduce the period within which Welsh Ministers must bring forward regulations to give effect to the DBCC's recommendations from six months to four months.

**24.** We make a number of recommendations relating to **constituency names and naming**, including strengthening the role of the Welsh Language Commissioner, introducing a presumption in favour of monolingual names unless there are specific reasons why bilingual names are appropriate, and prohibiting monolingual English constituency names.

### **Disqualification on the grounds of residency**

**25.** The Bill proposes disqualifying someone who is not registered as a local government elector at an address within a Senedd constituency from being a candidate or a Member.

**26.** **We support this principle**, although it is disappointing that the Welsh Government has included it in the Bill without any public consultation or engagement. It is clear from the evidence that the proposal raises a number of practical and policy considerations that would have benefited from proper pre-legislative consultation, engagement and scrutiny.

**27.** We make recommendations about practical implementation of the provision, and call on the Member in charge to:

- Amend the Bill to provide an appropriate grace period for a Member to appeal their removal from the register of electors at an address in Wales, to prevent them being unseated as a result of their accidental removal from the register.
- Provide a mechanism for a reserve candidate who would otherwise be eligible to take up a vacancy arising during a Senedd term to become registered on the register of electors at an address in Wales.

### **Review mechanisms**

**28.** The Bill proposes the Presiding Officer in the Seventh Senedd must table two motions to propose the establishment of Senedd committees to:

- Review issues relating to **job-sharing for specific statutory offices**, including Member of the Senedd, Welsh Ministers, First Minister and Counsel General.
- Review the **operation of Parts 1 and 2 of the Act** relating to the 2026 election, and the **extent to which elements of a healthy democracy are present in Wales**.

**29.** We consider **these provisions to be constitutionally problematic and legally unnecessary**. We call on the Member in charge **to remove them from the Bill**. This is our preferred outcome. But, **if he does not do so**, we have recommended amendments that could partly mitigate our concerns.

**30.** We do not see why further work on job-sharing should be delayed until after 2026, even if it is not possible to implement any recommendations legislatively before the 2026 election. We call on the Business Committee to consider either proposing the establishment of a new committee in the Sixth Senedd, or asking an existing committee to explore the extent to which persons should be able to jointly hold the offices listed in section 7(3) of the Bill, including the extent to which a person should be able to temporarily hold such an office while the person elected or appointed to that office is unavailable.

## Other issues

**31.** We also explored two issues that are not covered in the Bill:

- **Policy development resource for political parties.** While outside the scope of the Bill, we believe the effective operation of parliamentary democracy also relies on the ability of political parties to develop robust, evidence-led policy. We call on the Welsh Government to work with key partners to review the public resources and funding available to political parties for policy development. We also call on the Independent Remuneration Board of the Senedd to review the resources that it provides, including the extent to they are equivalent to the level and type of support available in other parliaments.
- **Accountability of individual Members.** We firmly believe that individual Members should be accountable to their constituents. Some mechanisms are already in place through the Senedd's standards and dignity and respect arrangements, but we consider there is scope to strengthen them. Some have proposed recall mechanisms similar to the Recall of MPs Act 2015, but there are complexities in applying this in a closed list system. We have also heard proposals for strengthening the disqualification arrangements and the sanctions that can be applied to Members who breach the code of conduct. There is not enough time available to develop and consult on robust policy and legislative proposals for inclusion in this Bill. We call on the Standards of Conduct Committee to work with key partners to develop options to strengthen Member accountability, and consult on them before the end of the Sixth Senedd.