

Pre-appointment hearing – Preferred Candidate for Chair of the National Infrastructure Commission for Wales

June 2018



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About the Committee

The Committee was established on 28 June 2016 to examine legislation and hold the Welsh Government to account by scrutinising expenditure, administration and policy matters, encompassing (but not restricted to): economic development; transport; infrastructure; employment; skills; and research and development, including technology and science.

Committee Chair:



Russell George AM
Welsh Conservatives
Montgomeryshire

Current Committee membership:



Hefin David AM
Welsh Labour
Caerphilly



Vikki Howells AM
Welsh Labour
Cynon Valley



Mark Isherwood AM
Welsh Conservatives
North Wales



Adam Price AM
Plaid Cymru
Carmarthen East and Dinefwr



David J Rowlands AM
UKIP Wales
South Wales East



Lee Waters AM
Welsh Labour
Llanelli



Joyce Watson AM
Welsh Labour
Mid and West Wales

The following Member attended as a substitute during this inquiry:



Bethan Sayed AM
Plaid Cymru
South Wales West

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Chair's foreword

Pre-appointment hearings are an important, valuable and relatively recent addition to Welsh public life, and the Committee welcomed the opportunity to have this hearing.

The willingness and enthusiasm of the Cabinet Secretary for Economy and Transport to accept our recommendation that this post be subject to this public scrutiny is to be applauded. I hope this hearing and the process we have followed will set a standard for other high-profile public appointments in future – both in the Economy and Transport portfolio, and across Welsh public life.

Done well, a pre-appointment hearing boosts transparency in three ways:

- It provides the public with reassurance that the appointment has been made on merit;
- It should also reassure Ministers that their preferred candidate has the support of a cross-section of Assembly Members from a range of parties; and
- It gives the successful candidate a stronger mandate to be an independent voice speaking truth to power when required.

Building on best practice in other institutions, this hearing asked the preferred candidate to complete a short questionnaire to inform our scrutiny, and to put on the record their vision for the new organisation. We also held a public hearing on 7 June 2018, to ask further questions.

On the basis of the evidence we heard, the Committee has concluded that the preferred candidate is a suitable candidate for this post.

The Committee has high hopes for the NICfW – and we look forward to working with Mr Jones over the coming months as he begins this vitally important work.

A handwritten signature in black ink, reading "Russell George". The signature is written in a cursive style with a long horizontal flourish underneath.

Russell George AM,
Chair, Economy, Infrastructure and Skills Committee

Summary

- On 7 June 2018 the Committee held a pre-appointment hearing with John Lloyd Jones – the Government’s preferred candidate to be the inaugural chair of the National Infrastructure Commission for Wales.
- On the basis of the evidence provided at this hearing, and the questionnaire completed by Mr Jones prior to the hearing, the Committee found no grounds to object to his appointment. Mr Jones is a suitable candidate for the post.
- The Committee’s questions raised some concerns about Mr Jones understanding and interpretation of the Wellbeing and Future Generations Act, and how the Commission will engage with local people and communities, and with those who have characteristics that are protected by the Equality Act 2010, to ensure that their needs are reflected in the Commission’s work. The Committee will give particular emphasis to these areas in future scrutiny of the organisation.
- The Committee is surprised that the Cabinet Secretary has proposed an interim appointment as chair. The National Infrastructure Commission for Wales is being established with a remit for long-term thinking, and the Cabinet Secretary should make a long-term appointment at the end of this 12 month phase to establish the body.

1. Background

- 1. The compact between Welsh Labour and Plaid Cymru** in May 2016 included a commitment to establish a National Infrastructure Commission in Wales (NICfW). The Commission will consist of the Chair and 11 Members.
- 2.** The NICfW **has been established** as a non-statutory, advisory body to provide advice and recommendations to the Welsh Ministers on the economic and environmental infrastructure needs of Wales over 5-30 years. It should also consider the interactions of these needs with “social infrastructure”, such as schools, hospitals and housing. However, the NICfW is not expected to consider and advise on social infrastructure needs in detail.
- 3.** The advice provided by the NICfW will be strategic and forward looking in nature. Advice will not be provided on existing or upcoming infrastructure schemes that have already been agreed.
- 4.** Within its advice, the NICfW must reflect the goals and principles of the Well-Being of Future Generations (Wales) Act 2015. It must also consider the obligations of Welsh Minister’s in respect of the Environment (Wales) Act 2016, and other legislative obligations, when providing advice.
- 5.** The detailed working arrangements of the NICfW will be agreed between the Welsh Government and the appointed Commissioners through a constitution document. The NICfW is expected to produce and publish a “State of the Nation report” every 3-5 years. This report will take an impartial view of the current state of economic and environmental infrastructure across Wales.
- 6.** The Commission will also be expected to produce an annual report on its activity for the previous year, and to produce any ad-hoc reports deemed necessary by the Welsh Government and/or the NICfW.
- 7.** The NICfW will be subject to a comprehensive review of its status, remit and objectives before the end of the fifth term of the National Assembly for Wales.

2. Requirements of the Post

Role and person specification

8. The role description published by the Welsh Government said “the chair would be responsible for:

- strategic leadership for NICfW; setting priorities and ensuring the independence of its recommendations; overseeing delivery of NICfW’s work, including monitoring delivery by the Welsh Government;
- directing Commissioners’ input, harnessing their skills, experience and expertise;
- providing expert, impartial advice to the Welsh Government on infrastructure, including advice on prioritisation and value for money on public and private investments;
- building consensus around NICfW recommendations;
- engaging with stakeholders, including government, industry, academia, interest groups and the public;
- building a working relationship with the UK National Infrastructure Commission;
- representing NICfW in public, including in the media
- working with the Welsh Government to ensure a suitable support team is in place to provide NICfW with robust analysis and advice and/or commission work as necessary”.¹

9. The post was advertised in March with interviews at the end of April 2018.

¹ Welsh Government, Vacancy – Appointment of Chair – National Infrastructure Commission for Wales

3. The Committee’s inquiry

10. In the autumn of 2016 the Committee undertook an inquiry in to the proposed NICfW.

“The aims of the inquiry were to obtain clarity for stakeholders on how the Welsh Government proposes to take the Infrastructure Commission forward, to influence the development of the Welsh Government policy in this area, and to make meaningful recommendations to the Government.”²

11. In January 2017 the Committee published its **report on the NICfW**. It included ten recommendations, six of which were accepted, three were accepted in principle and one³ was rejected.

12. One of the recommendations was that the chair’s appointment should be subject to a pre-appointment hearing. The Welsh Government accepted this recommendation, and built the hearing in to the appointment process.

² EIS Committee, **NICfW Inquiry homepage**

³ Recommendation 4. The Commission should be established as a non-statutory body, but with the clear presumption that legislation will follow to move the Commission to become a statutory, independent body. Welsh Government should assess how best to trigger the move to a statutory body.

4. The Preferred Candidate

The candidate

13. The Cabinet Secretary wrote to the Committee naming his preferred candidate as Mr John Lloyd Jones OBE FRAgS Hon FLI. Mr Jones is a former chair of the NFU and Countryside Council for Wales.

14. The Cabinet Secretary intends to make the appointment for one year in order to establish the body. He notes that Mr Jones “offers stability and reliability”. The Committee was surprised at this interim appointment. The National Infrastructure Commission for Wales is being established with a remit for long-term thinking covering a 5-30 year timescale, and this is better served with long-term leadership.

Recommendation 1. The Cabinet Secretary should look to make a long-term appointment at the end of this 12 month phase to establish the body.

15. During the hearing, the Committee explored Mr Jones professional experience and background, and his vision and ambitions for the NICfW.

16. The Committee also asked the candidate to complete a short questionnaire in advance of the hearing. Mr Jones’ CV and completed questionnaire can be found in the annex.

The suitability of the candidate

17. On 7 June 2018 the Committee held a pre-appointment hearing with Mr Jones, the Cabinet Secretary’s preferred candidate. The hearing can be viewed on Senedd.tv and a full transcript will be available on the Committee’s website⁴ in due course.

Conclusion 1. On the basis of the evidence received the Committee believes Mr Jones is a suitable candidate for the post and wishes him well in this position.

⁴ www.assembly.wales/seneddEIS

Annex A: Job specification

Essential Criteria⁵

Capabilities

- a highly regarded leader, with the ability to lead boards and organisations effectively;
- ability to provide robust, independent advice, under a high level of public interest and scrutiny, and use a public profile to build consensus;
- credibility with government, industry and the public;
- ability to process complex information, take a long-term view and weigh probabilities to reach clear conclusions;
- ability to clearly communicate complex topics;
- understanding of the Welsh Government’s infrastructure objectives, its wider policy, delivery and finance framework, including the duties and commitments under the Wellbeing of Future Generations (Wales) Act 2015, and the devolution settlement.

Experience

- experience of strategic leadership at senior levels of government, academia or business;
- track record of communicating and influencing at the highest levels;
- the ability to represent organisations in public, including in the media and with a range of stakeholders;
- experience in one or more sectors of economic and/or environment infrastructure (desirable)

⁵ Taken from the **Welsh Government’s advertisement**.

Annex B: CV and questionnaire

Curriculum Vitae

John Lloyd Jones OBE. DL. FRAgS

John Lloyd Jones has been the owner of Hendy Farm since the age of 19. He is married to Annie who is an elected member of Gwynedd County Council. They have three daughters. Hendy is a beef and sheep farm and was one of the first farms in Tir Gofal, the pilot whole farm agri-environment scheme. There is a long established tourist enterprise on the farm offering farmhouse accommodation, a caravan club site; the original 18th century farmhouse provides self catering along with 4 other cottages converted from a range of traditional livestock buildings.

He has been a member of the National Trust for a number of years, a member of the Committee for Wales during the nineties, a member of the Trust's Land Use Panel from 2004 till 2015 and CCW's representative on the National Trust Council from 2008 till 2015.

He was Chairman of the Countryside Council for Wales and a member of the Joint Nature Conservation Committee from March 2000 to February 2010.

In March 2010 he was appointed as a Registered Commissioner for the Infrastructure Planning Commission which is now part of the Planning Inspectorate. In that role he was a member of the Examining Authority that dealt with the Tidal Lagoon Swansea Bay application and member of the Examining Authority that dealt with an application for a 17.4km grid connection in North Wales.

He was also a member of the Research Council's Strategic Advisory Committee on the Rural Economy and Land Use Programme (RELU) and chaired its Food Policy Group and its Plant and Animal Disease Group. He was a board member of the Institute of Grassland and Environmental Research and chaired its finance committee. He was then asked to be one of the seven members on the Institute of Biological, Environmental and Rural Science Aberystwyth's External Advisory Board.

He has held a number of prominent positions within the NFU, being Chairman of NFU Wales from 1994 to 98, Chairman of the Parliamentary, Land Use and Environment Committee for England and Wales 98-2000 and the UK Farmers' Representative on the European Commission's Agriculture Advisory Committee on the Environment 1998-2000.

He has been involved with the wider rural debate as Chairman of the Welsh Advisory Committee to the Forestry Commission 1994-2000, Coed Cymru, a member of the UK Round Table on Sustainable Development 98-2000, Snowdonia National Park Authority 1988-98, the Welsh Environment Protection Committee, and for reasons that defy logic or explanation for three years as a member of the Welsh Committee on Telecommunications.

As Chairman of the Lamb and Beef Working Group, he was closely involved with setting up the Welsh Food Strategy and also was a member of the group that developed the influential Farming for the Future Policy Document.

As a member of the Welsh Strategic Advisory Panel he was involved with the development of the Woodland for Wales policy and the earlier Future for Welsh Woodlands Document in the early 90s'and from 2009 to 2013 he was appointed as a non-exec member of the Forestry Commission's Committee for Wales.

He was a Board Member of the Cambrian Mountains Initiative, an initiative set up to foster Integrated Rural Development in mid Wales whose President is HRH The Prince of Wales, he chaired the ecosystems services working group which is part of the initiative.

In 2013 he was asked by the Institute of Rural Health to chair a working group that produced a report to the Welsh Government on the potential for Care Farms in Wales.

During 2014 / 2015 along with Professor Terry Marsden and Dr Ruth Williams, he was a member of the group that produced, "National Landscapes: Realising their Potential" a review of Designated Landscapes in Wales for the Welsh Environment Minister Carl Sargent.

He was educated at Llandovery College in Carmarthenshire.

He was made a hon. member of Gorsedd y Beirdd in 2002, a Hon Fellow of the University of Wales Bangor in 2003 and a Fellow of the Royal Agricultural Society in 2016. He was awarded the OBE for services to agriculture in 1995, President of the Snowdonia Society in 2013 and was made an Honorary Fellow of the Landscape Institute in November 2015. He was appointed Deputy Lieutenant for the County of Gwynedd in 2013.

He is a fluent Welsh speaker.

Questionnaire

Personal background

1. *Do you have any business or financial connections or other commitments which might either give rise to a conflict of interest in carrying out your duties, or impact on the time you are able to commit to the role?*

I have no business or financial connections that might give rise to a conflict of interest. I am at present a Trustee of the Campaign for National Parks and President of the Snowdonia Society. In gathering evidence for the Review of Designated Landscapes in Wales we found scant evidence of National Parks being a barrier to appropriate development. However there is a public perception, stronger in some areas than on others, that this is not true. NICfW will be a new body and it is important that it starts with a clean sheet. Therefore if my appointment is confirmed, I intend to resign from both positions. This position requires a commitment of five days a month, I have no difficulty with that and from previous experience in both the private and public sectors what you sign up to and what you actually do in terms of time commitment can be considerably different; I accept that situation, what is important is to set up a functioning and useful body

During the past few years I have accepted contracts from the Planning Inspectorate to examine Nationally Significant Infrastructure Projects. I will not be seeking nor accepting any further contracts.

2. *Have you ever held any post or undertaken any activity which might cast doubt on your political impartiality?*

Apart from voting, I have not been involved with or been a member of any political party. My wife has been both a District Council member and a County Council member; she has always stood as an Independent.

3. *How has your experience to date equipped you to fulfil your responsibilities as chair of the Commission?*

As can be seen from my CV, I have had two significant chairing roles. One as Chairman of NFU Wales which included steering the organisation through the BSE Crisis in the mid 90s and secondly as Chairman of CCW for ten years between 2000 and 2010. I have also had numerous other Chairman roles of other organisations with different degrees of complexity.

Performance of the role

4. *As the Commission will be a new body, how will you build its reputation as an independent body that is able to influence the Welsh Government's approach to the strategic delivery of infrastructure in Wales?*

With others, I will seek to build NICfW's reputation as an independent body based on relevance, competence and strategic thinking including a combination of evidence gathering and analysis and imagination.

5. *How do you intend to build relationships with local and regional bodies across Wales, and also organisations beyond Wales such as the UK National Infrastructure Commission, to ensure that the Commission is able to work across areas where responsibilities of a number of organisations meet?*

Both the Welsh Government's Consultation and the Economy Infrastructure and Skills Committee's response agree that close working between NICfW and the UK National Infrastructure Commission will be essential. I agree and it will be a priority to explore how best this can be achieved. As for building relationships with other bodies, then a combination of informing them of our existence and purpose and a willingness to spend as much time as possible listening would be a good starting point. A review of bodies that should be consulted in one of the Annexes should also be undertaken, there may be some omissions.

6. *What will be your key priorities in this new role?*

Putting together a functioning team as quickly as possible which includes Commissioners with complementary skills that also reflects Wales's diversity, geographic spread, age and gender balance. Settled staff working to a defined budget and operating from an agreed base is equally important. An agreed base for setting up an organisation may not be the same base when the organisation is settled and up and running.

7. *What risks have you identified to the Commission in carrying out its duties?*

The remit of NICfW is to provide advice on economic and environmental infrastructure yet the appointment is made by the Cabinet Secretary for Economy and Transport and I am appearing in front of the Economy, Infrastructure and Skills Committee. Where are the mechanisms for engaging the environmental side of the remit. There is also a need for a clear remit; I confess that I am struggling with the concept of a body which is both "Independent" and "Accountable". The time scales of the three year reports need to be agreed to lessen the temptation of them being used as "political footballs" during elections. I have no problem with annual reports that monitor progress and work undertaken.

8. *The Committee was keen that the Commission demonstrates an understanding of all parts of the nation. How will you ensure that it takes an approach that looks at the diverse needs of all parts of Wales?*

The answers given to questions 5 and 6 broadly cover this question. A detailed answer can only be given when a fully functioning body is in place when the scale and nature of the challenge is better known. Like all these answers, I must stress that these are my initial thoughts. For a body like NICfW to deliver value then it must function as a team in which the main role of the Chairman is to listen to others.

Accountability

9. *What criteria should we use to assess your performance at the end of your term?*

Progress made at the end of 12 months.

10. *The Cabinet Secretary has said that the Commission's terms of reference will make clear that it will have to conduct itself in line with the principles and goals of the Future Generations act. How do you see the Commission operating within that framework?*

The remit of NICfW fits very neatly with the aims of the Future Generations Act. The strategic infrastructure needs of Wales over a 5 to 30 year period will help Welsh Government and Welsh society to deliver a long term policy that protects the interest of future generations and is based on the need and opportunity to work together in a better and smarter way.