

Julie James AM,  
Minister for Housing and Local Government

14 August 2019

Dear Julie

On 11 July the Welsh Economy, Infrastructure and Skills Committee held its first annual scrutiny of the Chair of the National Infrastructure Commissioner for Wales, John Lloyd Jones.

You will recall the report the Committee issued in January 2017 regarding the establishment of the Commission. The report noted that establishing a body with the remit and responsibility of the commission would be a considerable challenge.

Following this session the Committee is not convinced that the Commission is currently meeting that challenge. I am writing to share concerns around the strategic direction and progress, transparency and public accessibility, and level of resources of the Commission. As stated in the report the challenge is considerable but it is achievable, if these issues are addressed.

### **Strategic direction and progress**

Following our scrutiny session the Committee was very concerned about the strategic direction of the Commission. Although we are pleased to see commissioners have been appointed, it appears very little else has been produced or achieved.

In our pre-appointment scrutiny the Chair stated an ambition to publish a scoping paper within 3 months. The Chair admitted, and the Committee accept, this was an optimistic time frame. However, it now appears it will be November 2019 before we see any publication from the Commission. The Commission then intends to publish a state of the nation paper by 2022, four years after the creation of the commission. The Committee feels this lacks ambition.

Both the Chair and Ceri Doyle, the commissioner who accompanied him, acknowledged the extremely broad remit of the Commission. Such a broad remit makes it vital that the Chair sets out a strong strategic ambition for the organisation and keeps it on track.



Currently the Committee is not confident that ambition is being achieved. The committee eagerly awaits the publication of the annual report in November and the detail of progress and plans it will provide.

### **Transparency and public accessibility**

Prior to the meeting the Committee was concerned that the Commission had not published a terms of reference or a register of commissioners' interests. During the session the Committee were reassured that these documents existed. The Chair stated that the public would be given these documents if they requested them. It is the view of the committee that this is not good enough, the onus should not be on the public to request this information – it should be freely available on the Commission's website.

The Committee also had wider concerns about the accessibility of the Commission and its website. The website is currently hosted as a sub-section of the Welsh Government's site and has very little content on it. The Committee was surprised, and disappointed, by the apparent lack of urgency from the commission around placing key documents such as a register of interests online and developing public facing content for the website that explains the role, aims and objectives of the Commission.

It is the Committee's view that the Chair needs to ensure the Commission is transparent and accessible to the public. A starting point for this would be to create a standalone website containing at a minimum the terms of reference, register of commissioners' interests and a forward work plan.

### **Resources**

It seems clear the issues identified have been compounded by a lack of staff. The Committee was pleased to hear that two new members of staff, including a communications specialist, have been appointed in the last month. However we would have expected these appointments to have been made much earlier.

The Committee hopes that the new staff will help the Commission become more transparent and speed up its work programme.

That said these appointments should have been made much earlier. As the Commission develops they will need to recruit more staff, particularly researchers. The Committee hopes that you, as the minister responsible, and the Chair will ensure the Commission is appropriately resourced in the future in order to ensure its work programme can be delivered at pace.

In our initial report on the establishment of the Commission the Committee emphasised the importance of the body's independence from government influence. Currently commission staff are line managed by Welsh Government civil servants. Whilst Adrian Davies, a Commission official who accompanied the Chair to the session, assured the



committee his Welsh Government line manager understands the importance of and supports his role's independence the Committee is concerned that this line management structure could cause conflict in the future if that understanding was absent.

The committee is also interested in the options/routes for Commission staff to raise concerns about the operation of or structures within the Commission. The obvious route would seem to be with their Welsh Government line manager but again this would create a conflict of interest.

To meet its purpose the Commission must be independent and free of political influence. To ensure the commission functions properly staff need an independent route to concerns. The Committee is concerned that these requirements are not currently being met and this could hamper the Commissions efficiency and effectiveness.

### **Next steps**

The Committee has previously noted that a body with a very long term remit needs a chair whose appointment goes beyond one year. The committee welcomes your moves to appoint as long term chair. As a recruitment process is about to start the Committee felt it would be prudent to record some of the qualities we would expect to see in the long term appointee.

During the next pre-appointment scrutiny session the committee will expect the preferred candidate to be able to demonstrate:

- Clear understanding of the Welsh Government's economic principles, aims and objectives.
- Solid understanding of the Well-being of Future Generations (Wales) Act 2015
- A record of dynamically delivering innovative and creative solutions to complex issues.
- Knowledge of Welsh infrastructure, opportunities for development and the constraints it places/lack of development will place on Wales.

I would also like to take this opportunity to remind you of the committees key recommendations from the Committees' report "National Infrastructure Commission for Wales" issued in January 2017:

- The Committee believe there would be real benefits to establishing the NICfW on a statutory basis. While this need not delay its establishment, we are clear that if established on a non-statutory basis, there should be a presumption that legislation will follow at a suitable point in time.
- The Committee understand the desire not to overload a new body, but we think the remit should be expanded to also include the supply of land for strategically



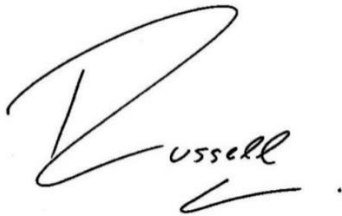
significant housing developments and related supporting infrastructure alongside the economic and environmental infrastructure.

- The Well-being of Future Generations Act is intended to transform the thinking of public bodies in Wales. The Committee believe these responsibilities should be “baked in” to the organisation from the outset, to promote collaboration with other public bodies, engagement with the Welsh public and independence from Government.

The National Infrastructure Commission for Wales has the serious and vital task of driving forwards the development of the infrastructure which will underpin the Welsh economy and support the Welsh population in the medium to long term.

To ensure the Commission achieves its task the Committee will look to discuss issues covered in this letter and the recommendations set out in the 2017 report with your preferred candidate at their pre-appointment scrutiny session.

Best wishes,

A handwritten signature in black ink, appearing to read 'Russell', with a large, stylized initial 'R' that loops around the name.

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

