

Dawn Bowden

Chair, Committee on Assembly Electoral Reform

27 January 2020

Committee on Assembly Electoral Reform

Dear Dawn,

Thank you for your letter seeking our views on the potential implications for Assembly committees of any change in the size of the Assembly. As you are aware, we discussed this at our committee meeting on 9 January. It was helpful that you were able to provide some more detail on the work of the Committee on Assembly Electoral Reform, as part of these discussions. I note that neither you nor Huw Irranca-Davies, who also sits on both committees, contributed to the views in this letter.

One of the general points we reflected on was that the roles and responsibilities of the Assembly have increased significantly since its establishment. We now have primary law making powers, which has clearly been a significant change, in particular for the work of Assembly committees.

✦ Whether the current size of the Assembly has given rise to any implications or limitations for your Committee's work or the way in which you approach policy, legislative and financial scrutiny of the issues within your remit.

While we cannot be certain that it is the size of the Assembly that means our committee has such a broad and wide-ranging portfolio, we note that in larger legislatures, the responsibilities that sit with our committee are shared out across a number of committees.

The Scottish Parliament, which is a close comparator because its committees undertake both policy and legislative scrutiny, separates the main elements of our portfolio into two different committees: Equalities and Human Rights; and Local Government and Communities. There are



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also other committees that undertake work, which we have covered, including the Social Security Committee, who we met as part of our recent work looking at devolution of benefits.

The Northern Ireland Assembly also has a similar model to Scotland and ourselves, with dual function committees undertaking both policy and legislative scrutiny. There, the matters within our remit are separated between the Executive Committee, whose remit covers equality and human rights and the Communities Committee, which covers housing and local government.

Clearly the structure of committees at Westminster is different, in particular that the select committees do not undertake the legislative scrutiny of Bills introduced. Yet they also split the portfolio across two committees, namely the Housing, Communities and Local Government Committee and the Women and Equalities Committee. In addition, there is also the Joint Committee on Human Rights.

Clearly the broadness of our remit affects our work programme. This is without the further limitations placed on our committee by the heavy legislative workload that naturally falls within our remit. So far, in this Assembly we have considered

- Trade Union (Wales) Act 2017;
- Abolition of the Right to Buy and Associated Rights (Wales) Act 2018;
- Public Services Ombudsman (Wales) Act 2019; and
- Renting Homes (Fees etc.) (Wales) Act 2019.

We are currently also in the process of scrutinising the Local Government and Elections (Wales) Bill, one of the most substantial and significant Bills introduced during this Assembly term.

We note that the Regulation of Registered Social Landlords (Wales) Act 2018 was also within our remit, but was referred to the External Affairs and Additional Legislation Committee because at that time we were considering two other Bills. The distribution of legislation across committees is some what of a lottery, as it depends on the legislation introduced by the Government, back-bench members, the Assembly Commission and committees themselves. Although when considering remits of committees at the start of each Assembly, this can, and should be taken into account. It is clear that certain policy areas are more likely to result in legislation being introduced.

We note that our predecessor Committee considered 30% of legislation introduced during the Fourth Assembly, something highlighted in its [legacy report](#). At this stage in this



Assembly, we have also considered 30% of all legislation introduced, and with one Bill currently being considered by us, and at least a further two likely to be remitted to us, we can anticipate that at the end of this Assembly, we will be the Committee with the largest proportion of legislation remitted to it.

This means that in practical terms, when we also take into account following up our previous work, which is an important part of our programme, with just over 12 months left of this Assembly, we possibly only have capacity for one or two further policy inquiries. Considering the breadth of our remit, this is far from desirable.

As a slight aside, difficulties around capacity can be compounded by decisions made about the time allocated for scrutiny of Bills. We are currently scrutinising the Local Government and Elections (Wales) Bill, a Bill which is extremely broad. As you are aware, we have had significant concerns about the timetable available to us to undertake our scrutiny of this Bill.

The recent decrease in committee size from eight members to six, has also had an impact. This is both in terms of basic logistic issues, as well as broader issues. We are regularly close to being inquorate, in particular at the start and end of meetings. The smaller size also places more pressure on those Members on the Committee. This is a particular challenge at the moment when we are having to maximise the limited time available to us to ensure we complete scrutiny of the Local Government and Elections Bill in line with the timetable agreed by the Business Committee.

Our meeting on 23 January 2020, was an example of these challenges. At this meeting we were concluding our evidence gathering from stakeholders on the Local Government and Elections (Wales) Bill. This included some of the most important sessions, including the WLGA, council leaders; chief executives, as well as local government lawyers. We were scheduled to meet from 9:00am to 3:15pm. At the start of the meeting, we were also considering our draft report on the Welsh Government draft budget, in private session.

Before the meeting started, we knew we would only have four Members so would be "skating on thin ice" when it came to quorum throughout the day.

While we were scheduled to start at 9:00am, I was the only Committee Member present. We were only quorate at 9:17. This gave us 13 minutes to consider our report on the draft budget. This was clearly insufficient, and we agreed to revisit the report at the end of the meeting. It was already tight to consider and agree the report in the half hour we had scheduled, but because of the budget and Local Government bill timetables, this was the only available time. It was clearly impossible to do in 13 minutes. At this stage, we still only had 3 members, so we were quorate. One of these Members then advised that they would be unable to attend the sessions after lunch.



We opened our first evidence session, with a panel of 6 witnesses, four of whom were Council Leaders from across Wales. There were 3 Assembly Members to question these witnesses.

At this stage, it looked likely that we would have to cancel the afternoon session, including two evidence sessions on the Bill. We would not have been able to reschedule these sessions, and this would have caused gaps in our evidence. It would also have been incredibly unfair to those witnesses who had spent time in preparing their evidence and taking time to come to the Senedd to give evidence.

Eventually, at approximately 11:30 we secured two substitutes to attend the afternoon session. While we very much appreciate their time and contribution to the Committee, it is not entirely fair to those Members to expect them to get to grips with an incredibly broad and wide ranging Bill with just over an hours notice. Fortunately both Members were full participants in the meeting.

In outlining this particular example, I wish to be clear, that I am not criticising the individual Members involved. We all understand that illness or other commitments sometimes affect our ability to attend committees. However, due to the smaller sized committees, this reduces the committee's resilience when Members cannot attend. Also because Members sit on multiple committees, this reduces the pool of Members who can substitute at short notice.

While I am pleased that we did not have to cancel business, I cannot pretend that having only two of our substantive members for the full course of the meeting will not have impacted on our scrutiny, and our ability to ensure a full discussion of our budget report.

In addition to the practical issues of quorum, smaller committees limit our ability to create sub-groups or to appoint rapporteurs to lead on specific areas. Again, for a committee with as broad a remit as ours, this has a particular impact on us. The smaller the committee, the more limited you are in your flexibility to take the best approach for each inquiry. We note that the use of sub-groups, which were more common in previous Assemblies has decreased in this, with only one being established.

Smaller committees also reduces the range of views and interests among its membership. While the party balance remains the same, the more members sitting on the Committee, the broader the views and experiences reflected in committee discussion, deliberation and decision making.

When considering the difficulties we have identified above, in particular the wide remit of our committee and the heavy legislative workload, it logically follows that more Assembly Members would help address these issues. As stated at the outset, the powers and



responsibilities of the Assembly have substantially increased particularly with the advent of primary legislative powers, but the number of AMs has remained at 60. More AMs would allow for more committees to share the work. While more members on committees would help committees do more.

✦ How any recent or anticipated changes to the Assembly's powers or responsibilities, or the broader constitutional context, might affect your Committee's remit or how you undertake your role.

We recently published a report calling for further devolution of some elements of the welfare system to the National Assembly. Should this be devolved, it is unclear whether it would sit within our remit, however, considering the close links to elements of our current portfolio, we would expect that any successor committee would be likely to have a keen interest.

✦ Any implications an increase in the size of the Assembly might have for the work of Assembly committees, including the support services they receive.

We do not have any specific comments on this issue. However we will be interested to see the findings of your committee's work.

✦ We would also welcome information about how your Committee assesses the impact of its scrutiny work, and examples of effective scrutiny or missed opportunities.

One of the things we have prioritised as a Committee has been setting aside adequate time for follow up work. Our work is not completed once we have published and debated the report. In particular, we would identify the work around rough sleeping, which we continued to pursue following the publication of the substantive report in 2018. We believe that our follow up work, and our determination to see more pace and urgency in dealing with this issue, contributed to the Welsh Government establishing the Homelessness Action Group and the renewed focus on reducing rough sleeping and homelessness.

More generally, other areas of success include our work on refugees and asylum seekers, which played a vital role in the development of the Welsh Government's new refugee and asylum seeker deliver plan. We also saw throughout the progress of that inquiry immediate actions taken to deal with some of the issues with the quality of asylum accommodation.

More recently, we believe that our inquiry into empty properties, galvanised action by the Welsh Government.

However, clearly by taking more time to follow up inquiries, as we move through the Assembly and have more work to follow up, it impacts on the amount of time we have to do new policy work. This is a matter we are conscious of when making decisions about our work programme.



I hope this information is of use to the committee, please let me know if you want any further information.

Yours sincerely,

A handwritten signature in black ink that reads "John". The letters are cursive and fluid, with a long horizontal stroke at the beginning of the word.

John Griffiths

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

