

SR1 Individual 1

Senedd Cymru | Welsh Parliament

Y Pwyllgor Busnes | Business Committee

Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd | Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform

Ymateb gan Unigol 1 | Evidence from Individual 1

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

This should not proceed as the increased cost far outweighs the benefits and the money can be far better spent in the current financial climate

2. The number of Deputy Presiding Officers in a larger Senedd

This should not proceed as the increased cost far outweighs the benefits and the money can be far better spent in the current financial climate

3. The number of Senedd Commissioners in a larger Senedd

This should not proceed as the increased cost far outweighs the benefits and the money can be far better spent in the current financial climate

4. The consequences of a Member changing their political party if elected through a closed proportional list system

This should trigger an automatic By Election

Senedd Cymru | Welsh Parliament

[Y Pwyllgor Busnes](#) | [Business Committee](#)

[Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd](#) | [Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform](#)

Ymateb gan Lee Waters AS, Senedd Cymru | Evidence from Lee Waters MS, Senedd Cymru

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

If constrained capacity is an issue for the Senedd it follows that it is also a challenge for the Government. There should be flexibility in the number of Ministers, as there is in the UK Government.

2. The number of Deputy Presiding Officers in a larger Senedd

This should be a matter for the Senedd through its Standing Orders

3. The number of Senedd Commissioners in a larger Senedd

I don't support an increase in the number of Commissioners. I am unconvinced they would add value.

4. The consequences of a Member changing their political party if elected through a closed proportional list system

This is a balanced judgement. Allowing members elected on a platform to act in a different capacity is uncomfortable. But even under a closed system the Senedd remains within the UK Parliamentary tradition, and it is for a Government to command a majority, or build a coalition, to get its business through - and that includes its own backbenchers. If candidates are listed on the ballot paper as well as their party they can still claim a personal mandate and in our tradition as Parliamentarians can vote according to their conscience and not just the party whip.

SR3 Individual 2

Senedd Cymru | Welsh Parliament

Y Pwyllgor Busnes | Business Committee

Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd | Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform

Ymateb gan Unigol 2 | Evidence from Individual 2

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

Not needed. We have MP's, enough AM's and look what a mess the current assembly have got us into. No more jobs for the boys. Rather than having more AM's, why doesn't the assembly introduce SMART ways of working. Use the money elsewhere not to pay even more for people who don't do a lot. Does Vaughan Getting ever go to work in the senedd to do his proper job what we the public pay home to do. He seems to be on jollies everyday for publicity

2. The number of Deputy Presiding Officers in a larger Senedd

Again why, no doubt this post would get extra remuneration, you need to spend this money on actual things that matter, like looking after our OAPS.

3. The number of Senedd Commissioners in a larger Senedd

4. The consequences of a Member changing their political party if elected through a closed proportional list system

If they change parties they should not be able to continue in post as they were elected on the party they belonged to and any promises that said party campaigned on.

SR4 Individual 3

Senedd Cymru | Welsh Parliament

Y Pwyllgor Busnes | Business Committee

Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd | Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform

Ymateb gan Unigol 3 | Evidence from Individual 3

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

The case for more members is not convincing. We're in tough economic times and this will be an expensive move. It can't be justified on costs at present.

We have County Borough Councils/Town Councils already. People see little value in so many layers of government and you're planning to increase the Senedd level.

Perhaps a reduction in the number of County Borough councils should be considered as some are too small to be really viable or effective in providing cost effective local services.

There are moves to reduce the number of MPs. WAG is proposing to increase the size of the Senedd!

The WAG hasn't managed to become highly regarded by many people in Wales. An expansion in membership isn't a popular move. It's seen as creations for the boys (& girls).

2. The number of Deputy Presiding Officers in a larger Senedd

With no expansion they wouldn't be needed.

3. The number of Senedd Commissioners in a larger Senedd

No expansion would not necessitate more commissioners being paid well above average salaries.

4. The consequences of a Member changing their political party if elected through a closed proportional list system

A closed list system should lead to a by election if a member changes party. They would be elected on a party basis and not the FPTP individual system used for Constituency members.

SR5 Association of Electoral Administrators (AEA)

Senedd Cymru | Welsh Parliament

Y Pwyllgor Busnes | Business Committee

Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd | Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform

Tystiolaeth gan Gymdeithas y Gweinyddwyr Etholiadol | Evidence from the Association of Electoral Administrators (AEA)

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

We consider this a matter for the Welsh Government to determine. The recommendation will not affect the mechanics of election delivery.

2. The number of Deputy Presiding Officers in a larger Senedd

We consider this a matter for the Welsh Government to determine. The recommendation will not affect the mechanics of election delivery.

3. The number of Senedd Commissioners in a larger Senedd

We consider this a matter for the Welsh Government to determine. The recommendation will not affect the mechanics of election delivery.

4. The consequences of a Member changing their political party if elected through a closed proportional list system

Although primarily a governance matter, there are electoral administration implications to consider.

At present there are no procedures set out in legislation should this situation arise. The same applies for London members of the London Assembly and regional members of the Scottish Parliament elected via a comparable party list system.

In all instances in the UK where the election is via a party list system, changing political party is not a consideration. An individual remains a regional member in the same way a constituency member 'crossing the floor' does not automatically vacate their seat.

We make this distinction notwithstanding the proposal that all Senedd members are elected via a party list system from 2026 onwards.

We offer three potential options:

1. The member is deemed no longer eligible to hold their seat. This would create a vacancy to be filled by the next eligible person on the party list at the time the original election was contested.

This is similar to the existing system for vacancies caused by resignation, death, etc. It is the simplest system to administer, with a by-election only required where the party list is exhausted.

2. The member is deemed no longer eligible to hold their seat and the vacancy is filled via a by-election.

It could be argued this is the most democratic way in which to fill the vacancy as the by-election would be fought based on the prevailing political climate. There would be resource implications through the need to administer an election.

3. No change is made and the member continues to serve.

It could be argued this is the least democratic option in that the member was elected by reference to their political party at the time of the election, not as an individual.

Regardless of the solution, we consider the legislation should clearly set out the procedures to be followed in such circumstances.

Senedd Cymru | Welsh Parliament

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Tystiolaeth gan y Comisiwn Etholiadol | Evidence from The Electoral Commission

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

n/a

2. The number of Deputy Presiding Officers in a larger Senedd

Since the passage of the Senedd and Elections (Wales) Act 2020, the Electoral Commission has been formally accountable to the Senedd for our work in Wales. This oversight of our work as it relates to devolved elections and referendums in Wales is carried out by the Llywydd's Committee. The functions and membership of the Llywydd's Committee are set out under Standing Order 18B.

Standing Order 18B states the Llywydd's Committee must be chaired by the Presiding Officer or Deputy Presiding Officer. Any move to allow more Deputy Presiding Officers to be elected would require consideration from the Business Committee as to how the membership and chairing arrangements for the Llywydd's Committee may need to change as a result.

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Ers pasio Deddf Senedd ac Etholiadau (Cymru) 2020, mae'r Comisiwn Etholiadol wedi bod yn atebol yn ffurfiol i'r Senedd am ein gwaith yng Nghymru. Caiff y trosolwg hwn o'n gwaith fel y mae'n ymwneud ag etholiadau a refferenda datganoledig yng Nghymru ei gyflawni gan Bwyllgor y Llywydd. Mae swyddogaethau ac aelodaeth Pwyllgor y Llywydd wedi'u nodi o dan Reol Sefydlog 18B.

Mae Rheol Sefydlog 18B yn nodi bod yn rhaid i Bwyllgor y Llywydd gael ei gadeirio gan y Swyddog Llywyddu neu'r Dirprwy Swyddog Llywyddu. Byddai unrhyw symudiad i ganiatáu i fwy o Ddirprwy Swyddogion Llywyddu gael eu hethol angen ystyriaeth gan y Pwyllgor Busnes ynghylch sut y byddai angen i'r aelodaeth a'r trefniadau cadeirio ar gyfer Pwyllgor y Llywydd newid o ganlyniad.

3. The number of Senedd Commissioners in a larger Senedd

n/a

4. The consequences of a Member changing their political party if elected through a closed proportional list system

n/a

SR7 Jane Dodds MS, Senedd Member for Mid and West Wales and Leader of Welsh Liberal Democrats, Member of the Senedd

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Ymateb gan Jane Dodds AS, Aelod o'r Senedd dros Ganolbarth a Gorllewin Cymru ac arweinydd Democratiaid Rhyddfrydol Cymru | Evidence from Jane Dodds MS, Senedd Member for Mid and West Wales and Leader of Welsh Liberal Democrats, Member of the Senedd

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

The Welsh Liberal Democrats believe that there should be greater flexibility in the number of Welsh Government Ministers, in order to meet changing circumstances and political priorities.

The proposed increase in the size of the Senedd does not of itself lead to a change in the Welsh Government's responsibilities. But a central purpose of Senedd reform is to ensure better scrutiny of the Welsh Government, which is likely to lead to greater calls on Ministers' collective time and resources.

We therefore believe that it would be right to use the Bill to remove the cap on the number of Welsh Government Ministers.

Mae Democratiaid Rhyddfrydol Cymru yn credu y dylai fod mwy o hyblygrwydd ynghylch nifer y Gweinidogion yn Llywodraeth Cymru, er mwyn mynd i'r afael ag amgylchiadau a blaenoriaethau gwleidyddol sy'n newid.

Ynndo'i hun, nid yw'r cynnydd arfaethedig ym maint y Senedd yn arwain at newid yng nghyfrifoldebau Llywodraeth Cymru. Ond, un o ddibenion canolog diwygio'r Senedd yw sicrhau gwell craffu ar waith Llywodraeth Cymru, ac mae hynny'n debygol o arwain at fwy o alwadau ar amser ac adnoddau Gweinidogion yn gyffredinol.

Rydym o'r farn, felly, y byddai'n iawn defnyddio'r Bil i ddileu'r cap ar nifer y Gweinidogion yn Llywodraeth Cymru.

2. The number of Deputy Presiding Officers in a larger Senedd

3. The number of Senedd Commissioners in a larger Senedd

4. The consequences of a Member changing their political party if elected through a closed proportional list system

We note that the effect of the Special Purpose Committee's recommendation is to change the nature of the Senedd's election system from one that is a hybrid of voting for parties and constituency representatives into one that is wholly based on party.

We believe that Parliamentary accountability is vested in both parties and individuals. Our principled position is to support voting by the Single Transferrable Vote (STV), which allows voters to choose between candidates on a party list and to express preferences across party lists. Our views on this have not changed since our evidence to the Special Committee on Senedd Reform.

We also note that Senedd groups and political parties are different – though clearly closely-linked – entities.

Under the existing electoral system, Senedd members elected on regional lists changing their party or group affiliation have retained their seats in the Senedd.

However, the clear logic of the closed list system is that voters express a choice for a party. On the basis of that logic, we believe it would be illogical for Members who change parties to retain their seats, and that in those circumstances they have lost their mandate and should be replaced by the next-placed candidate on the Party list. Under our preferred system, with elected Members accountable to the electorate as individuals as well as Party nominees, members who changed their affiliation would retain their seats, and remain accountable as individuals to their electors at future elections.

We note however that this represents a clear shift of power in favour of Party managers, especially in relation to managing political dissent.

Additionally, we understand that this approach has the potential to lead to difficult legal issues in relation to the rights of the individuals concerned. Those questions include the right to freedom of political expression, and questions arising from the fact that political groups in the Senedd are different entities from political parties. We therefore believe that the Government must give careful consideration to the legal questions that these issues raise, so that when it considers the Bill, the Senedd will understand the risk – including reputational risk to the Senedd as an institution - that a person's right to sit in the Senedd might in some circumstances be determined in Court following litigation rather than by the electorate.

A further question arises in the event that legislation is enacted to ensure gender balance on party lists, whose logic would suggest that the replacement for a Member who leaves the Senedd after leaving a group must be of the same gender. We strongly support measures to promote gender balance, but it is also essential to understand whether this approach gives rise to any conflicts with existing rights legislation. Along with the need to ensure that there is a sufficient number of list candidates willing to serve in the event of a vacancy, one consequence could be that parties submit lists at elections that are significantly longer than the number of seats in each constituency.

There is a further question of what happens if a Senedd member is suspended from a group. A member might be suspended from a Group pending disciplinary action arising either from their personal conduct or from a political disagreement. We believe it would be wrong for suspension from a Group to trigger

removal from the Senedd without due process. Further thought must be given to how these circumstances would be managed.

Nodwn mai effaith argymhelliad y Pwyllgor Diben Arbennig fyddai newid natur system etholiadol y Senedd, o system sy'n cyfuno pleidleisio dros bleidiau a chynrychiolwyr etholaethau i system a fyddai'n seiliedig yn llwyr ar bleidiau.

Credwn fod atebolrwydd seneddol wedi'i freinio yn y pleidiau a'r unigolion. Ein safbwynt egwyddorol yw cefnogi defnydd o'r Bleidlais Sengl Dros-glwyddadwy (STV) ar gyfer pleidleisio, gan ei bod yn caniatáu i bleidleiswyr ddewis o blith ymgeiswyr ar restr plaid a mynegi dewis ar draws rhestrau pleidiau. Nid yw ein barn ar hyn wedi newid ers ein tystiolaeth i'r Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd.

Nodwn hefyd fod grwpiau'r Senedd a phleidiau gwleidyddol – er y cysylltiadau agos rhyngddynt – yn endidau gwahanol.

O dan y system etholiadol bresennol, mae Aelodau o'r Senedd a etholwyd ar restrau rhanbarthol wedi cadw eu seddau yn y Senedd ar ôl iddynt newid plaid neu grŵp.

Fodd bynnag, rhesymeg glir y system rhestr gaeedig yw bod pleidleiswyr yn dewis plaid. Ar sail y rhesymeg honno, credwn y byddai'n afresymegol i Aelodau sy'n newid plaid gadw eu seddau, a chredwn, o dan yr amgylchiadau hynny, y byddant wedi colli eu mandad ac y dylent gael eu disodli gan yr ymgeisydd sydd nesaf ar restr y plaid. O dan ein dewis system, gydag Aelodau etholedig yn atebol i'r etholwyr fel unigolion ac fel enwebeion eu plaid, byddai Aelodau sy'n newid eu plaid neu grŵp yn cadw eu seddau, a byddant yn parhau i fod yn atebol fel unigolion i'w hetholwyr mewn etholiadau yn y dyfodol.

Fodd bynnag, nodwn fod hyn yn newid clir mewn grym sy'n ffafrio rheolwyr y Pleidiau, yn enwedig mewn perthynas â rheoli anghytundeb gwleidyddol.

Yn ogystal, deallwn fod gan y dull hwn y potensial i arwain at faterion cyfreithiol anodd mewn perthynas â hawliau'r unigolion dan sylw. Mae'r cwestiynau hynny'n cynnwys yr hawl i ryddid mynegiant gwleidyddol, a chwestiynau sy'n codi o'r ffaith bod grwpiau gwleidyddol yn y Senedd yn endidau gwahanol i bleidiau gwleidyddol. Credwn, felly, fod rhaid i'r Llywodraeth ystyried yn ofalus y cwestiynau cyfreithiol sy'n codi o'r materion hyn, fel y bydd y Senedd, pan fydd yn ystyried y Bil, yn deall y risg – gan gynnwys y risg i enw da'r Senedd fel sefydliad – y gallai hawl person i fod yn Aelod o'r Senedd, o dan rai amgylchiadau, gael ei phenderfynu yn y Llys yn dilyn achos cyfreithiol, yn hytrach na chan yr etholwyr.

Mae cwestiwn arall yn codi os caiff deddfwriaeth ei deddfu i sicrhau cydbwysedd rhwng y rhywiau ar restrau pleidiau, gan y byddai rhesymeg yn awgrymu y byddai'n rhaid i rywun o'r un rhyw gymryd lle'r Aelod sy'n gadael y Senedd ar ôl gadael grŵp. Rydym yn cefnogi'n gryf fesurau i hybu cydbwysedd rhwng y rhywiau, ond mae hefyd yn hanfodol deall a fyddai'r dull hwn yn arwain at unrhyw beth a fyddai'n gwrthdaro â deddfwriaeth hawliau presennol. Ynghyd â'r angen i sicrhau nifer ddigonol o ymgeiswyr rhestr a fyddai'n fodlon gwasanaethu pe bai sedd yn dod yn wag, un canlyniad posibl yw y byddai'r rhestrau y mae pleidiau'n eu cyflwyno mewn etholiadau yn sylweddol hwy na nifer y seddi sydd ar gael ym mhob etholaeth.

Mae cwestiwn pellach yn codi ynghylch beth fydd yn digwydd os caiff Aelod o'r Senedd ei wahardd o grŵp. Gallai Aelod gael ei wahardd o grŵp tra'n aros am broses ddisgyblu sy'n codi o'i ymddygiad personol neu o anghytundeb gwleidyddol. Credwn y byddai'n gamwedd pe bai atal o grŵp yn arwain at ddiarddel o'r Senedd heb fynd drwy'r drefn briodol. Rhaid ystyried ymhellach sut y byddai'r amgylchiadau hyn yn cael eu rheoli.

Business Committee consultation on Senedd Reform – Senedd Labour Party response

The Senedd Labour Party (SLP) welcomes the opportunity to respond to the Business Committee's consultation on these important issues.

The size of the Welsh Government in a larger Senedd (recommendation 4)

As was made clear in the report of the Special Purpose Committee on Senedd Reform, the primary purpose of Senedd enlargement is to better enable the institution to carry out its functions as a legislature – making laws, scrutinising the government, and working in committees. As such, the increase in members of the Senedd should lead primarily to an increase in backbench members who will be able to carry out these important functions.

However, we also recognise that there is a clear case for raising the limit on the number of government ministers. This is necessary in order to reflect the significant increase in the powers of the Senedd and the Welsh Government that has occurred since the current limit was introduced in 2006, as well as the likelihood of additional powers being devolved in future.

A range of views has been expressed within the SLP on the proposed number of ministers; there are some who wish the figure to rise in proportion to the increase in Senedd Members – this would mean a limit of 19 (+ FM & CG,) whereas others support a smaller increase.

On balance, and reflecting the points made above on the role of the Senedd as a whole, we propose an increase to 16 (+FM & CG.) In doing so, we recognise that the Business Committee will need to reach agreement across more than one party before making its recommendations to government. As such, we would be willing to support an increase to more than 16 if the Committee judges that this is necessary having considered all the evidence.

The number of Deputy Presiding Officers in a larger Senedd (recommendation 5)

In principle, we not object to an increase in the number of Deputy Presiding Officers, however we also recognise that the Senedd already has the ability to elect acting chairs of plenary meetings and that this question is related to the nature of plenary meetings in the next, enlarged Senedd. We would ask that the Business Committee reflects further on this point and bears in mind the relationship between the number of Deputy Presiding Officers and the number of available backbenchers in the next Senedd.

The number of Senedd Commissioners in a larger Senedd (recommendation 6)

Members of the SLP expressed a range of views on the question of whether more Senedd Commissioners would be required in an enlarged Senedd. As such, we do not have a specific proposal to make. As on the preceding question, we would ask that the Business

Committee reflects the interrelationship between the number of Commissioners and the number of backbenchers who are available to carry out the Senedd's legislative functions.

The consequences of a Member changing their political party if elected through a closed proportional list system (recommendation 10).

This is a challenging and complex question; any proposals in this area would need to reflect the autonomy of political parties and political groups to conduct their own affairs, including in respect of party membership and the party whip.

We recognise that when voters cast their ballots for the candidate of a particular political party, they are voting both for an individual member as well as for the policy and political platform of that party. The mandate that these MSs receive is therefore different to that of an independent member. As such, when an MS chooses to leave the political group to which they were elected in order to join another political group, there are valid questions about the democratic legitimacy of this. This is the case under the current system, and it will arguably be greater under the new system.

However, members of the SLP expressed significant reservations about any system in which MSs would be prevented from leaving a political group, or where leaving a political group would result in them losing their seat in the Senedd. It was felt that this could negatively affect the link between voters and elected members, and unduly constrain individual MSs in instances where a party stance is felt to conflict with a constituency matter or an issue of conscience.

As such, we believe that a reasonable proposal would for MSs to be able to leave their political groups without losing their seats, but face restrictions on joining a different political group from that to which they were elected. In effect, this would allow members to sit as independents. We believe that this strikes a balance between the considerations outlined above. We note that this could be achieved through changes to standing orders, and would not necessarily require legislation. Making changes through standing orders also limits the risk of legislation leading to unintended consequences.

Members felt that this question requires careful consideration, particularly on what happens when a member leaves a group involuntarily and/or for a limited period of time. We therefore call on the Business Committee to consider the full range of circumstances in which any new rule would apply.

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Tystiolaeth gan yr Athro Laura McAllister, Prifysgol Caerdydd, a Paul Silk, yr Athro Anrhydeddus, Prifysgol Caerdydd | Evidence from Laura McAllister, Professor, and Paul Silk, Honorary Professor, Cardiff University

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

1. The size of the Welsh Government in a larger Senedd

We were members of the National Assembly Expert Panel on Electoral Reform in 2017 which recommended an enlargement of the Assembly (now Senedd) and a change in its electoral system. In response to this consultation on the recommendations of the special purposes Committee, we would wish to reiterate the principles underpinning our report's recommendation for a larger Senedd, namely to strengthen the capacity to scrutinise more effectively the executive, public money and how it is spent within Welsh governance. It is our view that the powerful and well evidenced case for enlarging the Senedd and making the institution fit for purpose to discharge its parliamentary functions rests squarely on these arguments. We did not consider during our Expert Panel investigations - and are unaware of any new evidence to change our position - that there was a corresponding rationale for increasing the size of the executive arm, namely the Welsh Government. Neither do we believe that additional DPOs or Commissioners are required to fulfil the genuine and evidenced objectives of enlargement. Moreover, to increase the size of the WG or the Commission might be interpreted as nest-feathering and would run counter to the fundamental aim of enhanced numbers - that is, to improve scrutiny. It would also jeopardise public support for the wider enlargement and reform project.

2. The number of Deputy Presiding Officers in a larger Senedd

3. The number of Senedd Commissioners in a larger Senedd

4. The consequences of a Member changing their political party if elected through a closed proportional list system

There are different practices across the world for dealing with elected members who switch parties following an election. Some countries provide that an MP who crosses the floor loses his/her seat, while others nuance this so that an MP who joins another party loses the seat but does not if s/he becomes an independent.

We believe that there should be a clear disincentive built in to standing orders to discourage floor-crossing. A member elected under one party banner - especially in a strong party-based system such as ours - should ideally remain within that party or relinquish her/his seat. Floor crossing (without good reason) further undermines public trust and conviction in elected members.

Business Committee Senedd Reform Consultation: Plaid Cymru Senedd Group Response

October 2022

1. The Plaid Cymru Senedd Group (the Group) welcomes the opportunity to feed into the Business Committee's consultation on specific aspects of Senedd Reform, specifically in relation to the 4 recommendations relating to their work made by the Special Purpose Committee on Senedd Reform.
2. This paper reflects the direction of travel the Group believes discussions regarding specific aspects of Senedd Reform proposals should be heading in. The Group are nevertheless mindful that the eventual agreed outcome in relation to all 4 matters will need to be capable of commanding the support of the two thirds of the Senedd's Members voting for the legislation.

The size of the Welsh Government in a larger Senedd

3. The Group understands that given the basis for Senedd Reform in part is due to the unrecognisable change in the nature and extent of the Senedd's powers compared to the institution created in 1999 and the necessity for the Senedd to take on further powers in the future. This in turn means the size of Government may need to also increase to reflect increased executive and portfolio responsibilities required of Government.
4. This should not, however, override the other important driver behind reform, scrutiny, and ensuring there are more backbench Members available to scrutinise Government work in Plenary and in Committee meetings.
5. Therefore, the number of Government Ministers should not increase by a greater rate than the increase of Senedd Members. This would mean the

threshold for the number of Government Ministers – in addition to the First Minister and Counsel General – would be 19.

6. The legislation could also provide, as an additional safeguard, for Standing Orders to contain provision that a move to depart from the current number of 12 Government Ministers towards the higher threshold of 19, should be approved by a vote in the Senedd, subject to a simple majority.

The number of Deputy Presiding Officers in a larger Senedd

7. The Group believes that one Deputy Presiding Officer, alongside the Llywydd would be sufficient.
8. Should it become clearer that additional capacity is needed, an additional Deputy Presiding Officer, or an Acting Chair for Plenary Meetings could be elected through procedures laid out within the Standing Orders provided that this would not effect the political balance of the Senedd in a situation whereby the political balance of power in the institution is split equally between the government and opposition as is currently the case.
9. Having additional Deputy Presiding Officers may help ensure that the expectations on them won't be too strenuous and impactful on family and care responsibilities, should Senedd Plenary meetings be conducted on additional days to Tuesdays and Wednesdays.
10. This matter does not necessarily have to be determined at this point on the face of the forthcoming Bill, and could instead be decided through changes to Standing Orders, at a later date.

The number of Senedd Commissioners in a larger Senedd

11. The number of Commissioners does not need to be increased, as the volume of work should remain manageable. However, in line with the point above in regard to political balance in relation to Deputy Presiding Officers, there should be at least one Commissioner from each party Group represented in the Senedd following the next election.

12. This matter could also be decided through changes to Standing Orders, at a later date.

The consequences of a Member changing their political party if elected through a closed proportional list system

13. The Group understands the importance of striking a balance between ensuring the public get the Senedd and Parties they voted for, as well as ensuring those parties are not too powerful and restrictive on individuals Members to be independently minded in a reformed Senedd.

14. If a Member ceases to be a member of the party they were originally elected to, they should continue as an independent Member without joining another Group, but they should not cease to be a Member of the Senedd. This would ensure that parties do not have complete control over Members, and would also allow Members to continue to fulfil their duties if, for example, a Member was suspended from their group on a temporary basis as a result of any disciplinary process.

15. Therefore, should there be change affecting a Member's party group affiliation, this would not impact on matters such as the allocation of resources, Senedd opposition time, and committee proportionality and chairing arrangements

provided to Senedd Groups on the basis of the election result at the start of the Senedd term.

16. Mechanisms and provisions should be in place to ensure that if a Member ceases to be a Member of the Senedd, through the creation of a casual vacancy, they should be replaced by the next candidate on the party list, unless that individual may have ceased to be a member of said party for any reason. This could have implications for gender balance of the Senedd, and consideration should be given to maintaining at least 50/50 representation.

SR11 Individual 4

Senedd Cymru | Welsh Parliament

Y Pwyllgor Busnes | Business Committee

Galw am dystiolaeth ar argymhellion a wnaed gan y Pwyllgor Diben Arbennig ar Ddiwygio'r Senedd | Call for evidence on recommendations made by the Special Purpose Committee on Senedd Reform

Ymateb gan Unigol 4 | Evidence from Individual 4

The Senedd's Business Committee is inviting views to inform its consideration of four recommendations made by the Special Purpose Committee on Senedd Reform:

I have read the original Report with very great interest and have the following general observations:

- 1) May I compliment the Committee on the thorough nature and clarity of its Report? It serves as an exemplar and I can only express regret that the Westminster Parliament does not use its time and considerable resources to conduct such valuable work in such a painstaking manner. The people of Wales are well served by this attempt to broaden and deepen democratic practice.
- 2) I cannot dissent from any of the Committee's recommendations- whether substantive or procedural. I do hope that the Senedd will proceed with some version of 'job-sharing'.
- 3) I commend both the discussion of alternative forms of closed list proportional representation and the decision to choose the D'Hondt method. I think that 'pure' D'Hondt rather than the system adopted in Northern Ireland - for wholly understandable, pragmatically justifiable, and morally and politically good reasons-, will well serve the people of Wales. It is, again, to be regretted that such a (if I may) mature discussion has not taken place in Westminster.
- 4) I cannot comment on the 'four recommendations' - these are properly for the Senedd and the people of Wales.



Y Gwir Anrhydeddus Elin Jones AS

Llywydd, Senedd Cymru

Right Honourable Elin Jones MS

Llywydd, Welsh Parliament

Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN

Llywydd@senedd.cymru

0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN

Llywydd@senedd.wales

0300 200 6565

To: Business Committee

3 November 2022

Dear Business Committee,

Number of Deputy Presiding Officers under Senedd Reform

Thank you for the opportunity to comment on the Special Purpose Committee on Senedd Reform's recommendations in relation to the number of Deputy Presiding Officers for the Seventh Senedd.

We would encourage the Welsh Government to afford the Senedd as much flexibility as possible when considering the number of Deputy Presiding Officers in Senedd Reform legislation.

The Senedd has undergone significant change since its creation in 1999. More law-making powers, powers over taxation and a significant change in the powers model means that business is more complex to navigate. As the Senedd's status has matured, the demands on the Llywydd's time as Chair of the Commission and Business Committee, as well as representing the Senedd at internal and external visits and events, have increased in parallel with plenary chairing duties.

To date, Commissioners have been called upon to chair plenary meetings on occasions when the Llywydd and Deputy Presiding Officer are unavailable, illustrating the need for flexibility in the provisions for supporting Senedd business. This situation is also underlined by the Senedd's recent agreement to elect an Acting Plenary Chair who has full powers over maintaining order and voting but who is not able to carry out any of the other Presiding Officer functions.

A larger Senedd may meet more often and/or for longer plenary sessions and so it is anticipated that there will be an even greater demand on the Llywydd and Deputy Presiding Officer's time.

In considering the need for additional office holders the Expert Panel was concerned that the *"potential benefits for the quality and quantity of scrutiny are realised"* and we are conscious of the need not to increase the number of office holders beyond what is necessary.

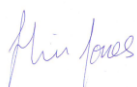
The Special Purpose Committee recommended that: *"...consideration is given to the question of whether the Senedd should have flexibility through its Standing Orders to elect more Deputy Presiding Officers should it so wish."* They also recommended that an: *"argument could be made that the Senedd should have flexibility through its Standing Orders to elect more Deputy Presiding Officers should it so wish (and any criteria relating to the party to which they may come from)."*

As a minimum we would therefore encourage the Welsh Government to amend existing legislation in order to remove the restriction which permits only one Deputy Presiding Officer. In order to uphold the principle of flexibility we would suggest that the revised legislation allows for "at least one" Deputy Presiding Officer. Sections 25(7-9) of GoWA 2006 would need to be revised to ensure that the Presiding Officer and all Deputies should not belong to the same political group, nor should they all belong to the Executive or non-executive.

In addition to the issue of the number of Deputy Presiding Officers, the Welsh Government may wish to consider whether an alternative title to Presiding Officer should be specified in GoWA. Our preference would be 'Speaker' and 'Deputy Speaker'. Similarly, we would like you to consider the Welsh titles 'Llywydd' and 'Dirprwy Lywydd' appearing on the face of the bill, with all references in GoWA becoming references to "the Llywydd" rather than "Presiding Officer" or Speaker by an amendment to s.25(1)(a).

We hope you find these observations helpful and look forward to engaging further with the Committee and the Government as the Senedd Reform programme progresses.

Yours sincerely,



Rt Hon Elin Jones MS

Llywydd



David Rees MS

Deputy Presiding Officer

Business Committee
via email

8 November 2022

Dear Business Committee,

Thank you for the opportunity to share the Commission's view on the number of Commissioners as a consequence of Senedd reform.

The Commission notes the following recommendation (Recommendation 6) made by the Special Purposes Committee on Senedd Reform:

"We recommend that consideration is given to the question of whether the Senedd should have flexibility through its Standing Orders to elect more than four Members of the Senedd Commission should it so wish. This consideration should then inform the development of legislation to provide for a Senedd of 96 Members."

We considered this recommendation during our meeting of 7 November. We noted that Senedd reform is not anticipated to change the statutory functions of the Senedd Commission (Section 27(5) of GOWA). As such, we are not persuaded that there is need for additional capacity in order for the Commission to carry out its functions effectively at present.

As the work of the Senedd continues to evolve in future years, there may be emerging themes which require the Commission's attention and the issue of capacity may need to be revisited. If a greater need were to emerge, we would not envisage that as being beyond one additional member, to make a Commission of six, inclusive of the Llywydd. Noting that the number of Commissioners is fixed in statute (Section 27(2) GOWA), there may be merit in granting the Senedd the flexibility through its Standing Orders to determine the appropriate number of Commissioners. The Business Committee may wish to consider this as part of its consideration of other officeholders whose numbers are presently fixed by statute.



Senedd Cymru
Bae Caerdydd, Caerdydd, CF99 1SN

✉ Sulafa.Thomas@senedd.cymru
☎ 0300 200 6227

Welsh Parliament
Cardiff Bay, Cardiff, CF99 1SN

✉ Sulafa.Thomas@senedd.wales
☎ 0300 200 6227

Section 27(4) of the Government of Wales Act 2006 as it stands already allows some flexibility in stating that the Commission must comprise of one member of each political group (in addition to the Llywydd) as far as is "reasonably practicable." This flexibility enabled the Senedd to elect two Commissioners from the same political group (i.e. the largest group) at the start of the Sixth Senedd in order to meet the criteria of requiring four Commissioners (as well as the Llywydd) due to there being only three political groups. As such, we do not foresee a need to alter this provision.

Kind regards,



Rt. Hon. Elin Jones MS

Llywydd and Chair of the Senedd Commission

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English



Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru
Welsh Government

Rt. Hon Elin Jones MS
Y Llywydd and Chair of the Business Committee

9 November 2022

Dear Elin

Thank you for your letter of 17 October, inviting views to inform the Business Committee's consideration of four recommendations made by the Special Purpose Committee (SPC) on Senedd Reform. This response focuses in particular on:

- the size of the Welsh Government in a larger Senedd (recommendation 4); and
- the consequences of a Member changing their political party if elected through a closed proportional list system (recommendation 10).

The Welsh Government has not sought to provide a specific view on the number of Deputy Presiding Officers in a larger Senedd (recommendation 5) nor on the number of Senedd Commissioners in a larger Senedd (recommendation 6) but acknowledges the statements by the SPC that increases in the Senedd's capacity should be to enable the capacity to scrutinise policy and legislation, and to hold the Government to account.

The Welsh Government's consideration of recommendations 4 and 10 are detailed in the annexes to this letter.

Regards

Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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.

Annex 1: Size of the Welsh Government in a larger Senedd

In considering this issue, the Welsh Government has been mindful that Section 51(1) of the Government of Wales Act 2006 (GOWA 2006) limits the number of persons holding “Welsh Ministerial office” to 12. This includes Ministers (appointed under section 48) and Deputy Ministers (appointed under section 50) but does not include the Offices of First Minister and Counsel General, meaning the effective limit on the size of the Welsh Government is 14. The current limit was itself an increase from the previous limit of 9, which occurred in 2006.¹ There has been no increase in the subsequent years, despite the Senedd gaining primary legislative powers and a wider competence.

In recommending an increase in the number of Members of the Senedd, the Special Purpose Committee on Senedd Reform said that it anticipated that its recommendations on an increased size of the Senedd would result in consideration of whether there should be an associated change to this limitation. Nevertheless, it commented that “the primary purpose of an increase in size must be to enable an improved level of parliamentary representation, legislation and scrutiny of government.”² It also noted that any increase in the size of the Welsh Government “will mean a corresponding decrease in the Senedd’s capacity for delivering scrutiny.”³

The executive powers and responsibilities of Welsh Ministers have increased significantly since the passing of the Government of Wales Act 2006. For example, since the passing of the Wales Act 2017, the Welsh Ministers have been able to exercise executive ministerial functions by virtue of the transfer of functions under section 58A of the Government of Wales Act 2006. Welsh Ministers’ executive powers and responsibilities have also increased as a result of the UK’s withdrawal from the EU (particularly in the fields of environment and rural affairs and economic affairs).

Welsh Ministers also have a substantially increased role in inter-governmental relations, with inter-ministerial meetings to co-ordinate policies, programmes, and the operation of the intergovernmental frameworks.

As a result, the breadth of some Ministers’ portfolios are now very substantial, requiring some Ministers to be accountable for decisions on a particularly wide range of policy areas. Looking forward, although further discussions on the operational implications of the larger Senedd will be required, it is a natural expectation that the cumulative scrutiny demands on Welsh Ministers are likely to increase.

¹ In the first iteration of the Welsh devolution settlement, there were no limits on the size of the “Assembly Cabinet,” as set out in primary legislation. Rather, Section 53(3) of the Government of Wales Act 1998 (GOWA 1998) provided that the Standing Orders of the Assembly must specify the maximum number of “Assembly Secretaries” (i.e. Ministers) that could be appointed. The initial Standing Orders were made by the Secretary of State under section 50 GOWA 1998 and provided that: “There shall be no more than nine members of the Assembly Cabinet, including the First Secretary.” No amendments were subsequently made to this limit in Standing Orders, until it was superseded by the limit in the Government of Wales Act 2006.

² Special Purpose Committee on Senedd Reform (SPC), May 2022, *Reforming Our Senedd: A stronger voice for the people of Wales*, Para 42.

³ *Ibid*, Para 43.

Concerns have also previously been expressed about the existing limit potentially compromising the Welsh Government's flexibility to react to events. In February 2020, the then Minister for Finance and Trefnydd commented in correspondence to the Committee on Senedd Electoral Reform that whereas:

*"The Scottish Government was able to appoint an additional Cabinet Minister to be responsible for managing the very extensive new policy and inter-governmental matters arising [from Brexit]... in contrast, the Welsh Government, with a full set of Ministers already in place in line with the statutory limit, has been able to manage these additional responsibilities only by asking the Counsel General to assume them, in addition to his other responsibilities as the Government's Law Officer."*⁴

The Special Purpose Committee also noted that part of its rationale for increasing the size of the Senedd was to "future-proof the Senedd's capacity to scrutinise the Welsh Government's increasing powers and responsibilities."⁵ Increasing the current limitation on Welsh Ministers could similarly be seen as future-proofing for the devolution of further powers.⁶ For example, the Commission on Justice in Wales, in recommending a substantial devolution of justice functions, commented that such devolution must be accompanied by "a new Justice Department in the Welsh Government led by a Cabinet Minister."⁷

In considering this issue, the Welsh Government has also noted that there is no legal limit on the size of the Scottish Government. Although removing the limit on the number of Welsh Ministers altogether would be advantageous in providing flexibility, it could also put at risk the Special Purpose Committee's recommendation that the primary purpose of an increase in the Senedd's size must be to enable an improved level of parliamentary representation, legislation and scrutiny of government.

The Welsh Government's view is therefore that the number of Welsh Ministers should be increased from 12, but that there should continue to be a legal limit upon this number. The Welsh Government considers that this limitation should be increased to a specific number, stated in primary legislation.

As a contribution to the discussions of this matter by the Business Committee, taking into account the points outlined above, and the Welsh Government considers that this specific number would appropriately be in the range of 16-19 (in addition to the First Minister and Counsel General).

⁴ Committee on Assembly Electoral Reform: inquiry into the capacity of the Assembly, Minister for Finance and Trefnydd, 10 February 2020, <https://business.senedd.wales/documents/s98990/CAER5-5-20%20Paper%20to%20note%205.pdf>

⁵ Ibid, Para 26.

⁶ This is notwithstanding that the further devolution of powers and Ministerial responsibilities since 2006 could already be seen to provide a basis for an increase in the limitation.

⁷ Commission on Justice in Wales, Justice in Wales for the People of Wales, October 2019, Para 68.

Annex 2: Consequences of a Member changing their political party if elected through a closed proportional list system

The Welsh Government notes that a change of the Senedd's electoral system, to one based on closed proportional lists, raises the question of whether there should be consequences for a member changing their political party, given that voters have voted for a party rather than an individual. There is an argument that by not introducing controls democracy could be seen to be undermined when an elected representative leaves a party under a closed list proportional system.

The Welsh Government is also mindful, however, both of the link between elected members and the constituency that elected them, and that consideration of this matter needs to be undertaken in recognition that sanctions against party movements could increase the internal power of political groups and the control they have over elected members. There are circumstances where a member may consider that dissenting from their party group's line is, in their view, the most appropriate representation of the interests of their constituents, reflects the mandate upon which they were elected, or is a critical point of personal principle.

There are currently no legislative measures in the Senedd, or indeed in any UK legislature that would result in an elected representative having to give up their seat if they voluntarily or involuntarily leave their party. Elected representatives can change political group within a parliamentary term in all the UK's parliaments subject to any limitations in Standing Orders.

Kenneth Janda's paper *Laws Against Party Switching, Defecting, or floor-crossing in National Parliaments* estimates that internationally 14% (5 of 36) of established democracies require parliamentary members to forfeit their seats if they change political parties. The majority of these legislatures have measures that would result in an elected representative being expelled from the legislature for changing political parties, with 7 having rules that result in a representative having to give up their seat if they fail to vote with their party on strategic issues.

This is not to say that expulsion from a legislature is the only possible consequence for a member that walks away from the political party or group for which they were elected. It is embedded in the Portuguese Constitution that an MP is not able to change political party, but can resign to sit as an independent. As an independent they retain their seat and the rights of other MPs, including the ability to propose bills and to suggest amendments. Similarly, if a Portuguese MP is expelled from the party they retain their seat, but lose some rights as they are classed as unattached rather than independent. Spain's approach shares some similar characteristics (though there are a number of differences as well) and is implemented by way of standing orders, rather than directly through legislation.

The Welsh Government is also mindful that if a member was to lose their Senedd seat for changing their political group, this would have implications for the number of casual vacancies that could be expected to arise between any two general elections. Currently, if a casual vacancy occurred for a regional seat in the Senedd, it would be filled by the next candidate of the party that won that seat (rather than by a by-election). If a party's list had been exhausted, the seat would remain vacant. Based on the presumption that the same approach will be adopted, there is a higher likelihood that seats will remain vacant as a result of exhausted party lists.

Should measures be considered that propose a member automatically losing their seat for changing political groups, consideration would also need to be given to the European Convention of Human Rights and the freedom of political expression contained within it.

The Welsh Government notes that some consequences for members leaving political parties already exist in the Senedd's Standing Orders. Standing Order 1.3ii for example provides limitations on the formation of a new political group. Similarly, Standing Order 17.12 stipulates that a member ceases to be a member of a committee if he or she joins or leaves a political group. This is not to say that Standing Orders have unlimited flexibility in this regard, as the Government of Wales Act 2006 provides limitations on what Standing Orders can do.

Taking these various issues into account, as a contribution to the Business Committee's consideration of this matter, the Welsh Government is of a view that whilst Senedd members should be able to resign from their political group and sit as an independent without losing their seat, there is a case for limitations on them joining or creating a different political group. It further believes that consideration should be given as to whether Standing Orders should be the vehicle through which any such restrictions could be achieved.