

Cyflwynwyd yr ymateb hwn i [ymgyngoriad y Pwyllgor Biliau Diwygio](#) ar [Fil Senedd Cymru \(Aelodau ac Etholiadau\)](#).

This response was submitted to the [Reform Bill Committee consultation](#) on the [Senedd Cymru \(Members and Elections\) Bill](#).

SCME(P)24 Ymateb gan: | Response from: Flintshire County Council



Neal Cockerton
Chief Executive
Prif Weithredwr



Our Ref/Ein Cyf 231103NC

Date/Dyddiad 03.11.23

[REDACTED]

FAO: Chair of the Reform Bill Committee
David Rees MS

Sent via email:
SeneddReform@senedd.wales

Dear Mr Rees;

I write as the Chief Executive and on behalf of Flintshire County Council further to the Committee's request for submissions as part of its consultation on the **SENEDD CYMRU (MEMBERS AND ELECTIONS) BILL**.

Our elected Members were presented with the consultation at the meeting of Full Council on Tuesday 24th October 2024. Further to that meeting, a workshop was then held on Wednesday 1st November 2023. What follows are the views expressed by our elected Members at both sessions.

Councillors can see that an enlarged Senedd with sufficient capacity to act as an executive and legislative body is an important precursor to increased devolution from Westminster. Broadly speaking they might welcome a proposed increase in size at a juncture when such a further devolution is in prospect. At this point in time, however, they felt that the increased size and costs were difficult to justify given:

- 1) the pressure on public finances across Wales from Welsh Government down;
and
- 2) the absence of further devolved powers.

Indeed, one councillor pithily observed during our presentation that if we had started with the costs then the remainder of the presentation wouldn't have been needed.

The explanatory memorandum with the bill gives the rationale for the changes in the Bill such as a wish to address capacity pressures on Ministers; provide flexibility to respond to events; and to increase the scrutiny capacity of the Senedd.



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Councillors noted that:

- 1) there are other, cheaper ways to address those issues; and
- 2) there exists insufficient justification for the figure of 96 members.

My members offered a number of alternative suggestions for how to address the capacity issues:

- 1) The first was broadly to say that the capacity issues were a cross that Senedd members might need to bear. As councillors they are used to serving on a range of committees and so felt that it should be possible for Senedd members to do likewise;
- 2) The use of an electoral substitute as for the National Assembly in France where each candidate has a “substitute” elected with them at the same time. If the candidate takes up executive office the substitute can then act in the legislature – this would ensure that whatever the size of the government, there would always be 60 Members to scrutinise – an increase of around 20%; or
- 3) The use of co-opted members akin to those mandated on local authority Governance & Audit Committees
- 4) Increased devolution of powers to councils thereby removing the need for scrutiny within the Senedd at all.

As to the proposed scale of increase, councillors observed that:

- 1) the justification for an increase overall seemed weak, especially for the chosen figure of 96 which was in excess of previous recommendations;
- 2) the reference to the Scottish Parliament, which has greater powers and serves a larger population, was a poor analogy;
- 3) if the increase was nevertheless agreed, then 80 is also a multiple of 16 and would marry up with recommendations made by the Expert Panel in 2017 and the Committee on Senedd Reform

Whilst sympathetic to the need to increase the number of ministers, again it was felt that the number chosen appeared to lack any empirical basis or like comparison.

The suggestion that electoral areas should be based around parliamentary constituencies was seen as logical. However, the rationale for pairing was again questioned. Firstly, the idea of pairing is interdependent on the decision to have 96 members and is a form of post hoc justification. If the 32 parliamentary constituencies were matched and elected two members to the Senedd then there could be a more modest increase in size, especially when coupled with the above suggestions for increasing capacity.

Smaller electoral areas with fewer members would also be closer to the perceived ideal of 1 representative per electoral area. Accepting that the use of parliamentary



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boundaries is practical and pragmatic my councillors saw that one per area would be too few, but felt that two members each for all 32 constituencies:

- would retain the important geographical link between a MS's and their electoral area; and
- moreover, it would avoid the dilution of accountability attendant upon large geographical areas being represented by many members.

The majority of Members, though not all, did appear to support a form of proportional representation, though there was no clear consensus on which system would better suit. The Single Transferable Vote system was proposed as a seemingly better and fairer form of PR. Indeed, it was noted both that the Committee on Senedd Reform had suggested the use of STV (and no explanation beyond personal preference had been given for departing from that view) and that this was the voting system offered to councils as an alternative to the first past the post system.

Certainly, the choice of the d'Hondt system of proportional representation drew widespread concern from across the council. There was the general consensus that such a system favours the traditional, established parties and is inherently unfair on smaller parties, most notably Independent candidates. This, it was suggested, is undemocratic and could deter people from standing and voting in an election.

This opposition extends to having closed party lists. Such a methodology places the choice of who is ultimately elected in the hands of party officials not the electors. It was felt to be a fundamentally important principle that electors could choose who they did, or possibly did not, wish to see elected. If, notwithstanding views expressed to the contrary, the D'Hondt method were to be chosen then it should be used with open party lists if possible, for that reason.

Councillors were united in their view that if, despite their comments to the contrary, if the voting system were to be changed, then the proposals should be first tested via a referendum. Members felt that due to the type and scale of the changes being proposed, and the significant costs associated with such, asking the Welsh public directly for their views was necessary. The suggestion that the system should be reviewed after it had been operating for a little while would normally have been regarded as a sensible step. However, in the absence of prior consultation it would be "closing the stable door after the horse had bolted".

The proposed change to the term of the Senedd was again felt to be without rationale. Just because the Westminster parliament had repealed fixed terms of 5 years was not seen as any justification for doing so in Wales. It is the direct personal experience of all councillors "on the doorstep", that too frequent elections result in voter apathy/election fatigue. It was suggested that there should be at least a 2-year gap between Senedd and local elections. For this reason, the idea of election by thirds or halves was also rejected.



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Councillors did recognise the fundamental tension between the desire for a more democratic system, with more frequent elections, and the desire to facilitate long term planning, which is more likely with a longer electoral term. However, councillors observed that there are clear advantages in having certainty derived from longer term decision making. Local authorities depend on the Welsh Government for funding and are responsible for operating a significant part of new Senedd legislation. It is much harder for the authority to plan financially when government priorities are subject to change due to elections. Further shorter terms increased the frequency of elections and thus the cost to the public. Lastly, there is also an issue with politicians approaching the end of their term more likely to take a short-term approach to planning, which in turn has an impact on council resources.

One aspect of the proposed changes that did receive a positive response is the suggestion to mandate candidates and those who are elected having a permanent residential address in Wales. There was also support for there to be a minimum period of residence to avoid candidates being “parachuted in” to an area by political parties. There was also some, though not unanimous, support for there to be a requirement for some closer link to the specific constituency to be represented. There are models for this in the eligibility criteria for election as a councillor such as residency, employment or running a business within the constituency. However, it was recognised that this might restrict the availability of candidates to too great a degree.

The Council meeting was live streamed and a [recording](#) is available on the Council’s website which I would urge the Committee to view (at 0:34:40) to gain a fuller sense of the feeling amongst the elected Members.

Yours sincerely,



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Chief Executive

CC
Gareth Owens Chief Officer Governance
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Steve Goodrum Head of Democratic Services
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