



**Committee on Senedd Electoral Reform
Consultation on the Capacity of the Assembly
ERS Cymru response
27th March 2020**

1) Does the Assembly have the capacity it needs to carry out its representative, scrutiny and legislative functions now and in the future?

We have long been convinced that the Senedd does not have the capacity it needs to deliver its functions. That has been reaffirmed not only by multiple reports examining the Senedd's capacity but also its own Members, who last year voted in favour of a motion which supported an increase in the size of the Senedd.

We remain very concerned that, over 15 years after arguments to increase its capacity were first recommended by the [Richard Commission](#), nothing has been done to rectify this.

The arguments demonstrating capacity in the Senedd is insufficient, are clear.

At just 60 Members for a population of 3.1 million, the Senedd is dwarfed by the Northern Irish Assembly at Stormont with 90 Members of the Legislative Assembly (MLAs) for around 1.8 million people. Therefore, one MLA represents 20,000 people in Northern Ireland, with a Member of the Senedd representing around 52,000 people.

Scotland has more than double the number of Members of the Senedd with 129 MSPs.

These inequalities look far more stark when you consider the changing role of the Senedd in the last twenty years. What was an Assembly in 1999 has now become a fully fledged law-making, tax-varying Parliament. Yet, we still remain far smaller than these comparative institutions.

What this means in practice is that, after you exclude Government, party leaders and speakers, the Senedd is left with just 41 Members to scrutinise the government, examine legislation and fulfil the vital committee functions of a parliament.

Furthermore, it creates extensive pressure on backbench members and members of the opposition to fill committee spaces.

Y Pwyllgor ar Ddiwygio Etholiadol y Senedd
Ymgynghoriad: Nodyn o'r materion a drafodwyd yn ystod y digwyddiad i
randdeiliad ar gapasiti
CAP 01 Cymdeithas Diwygio Etholiadol Cymru

Currently, 17 Members of the Senedd sit on three committees or more.

Figure 1. Number of MSs that sit on each number of committees¹

Amount of committee memberships	Number of MSs
1	11
2	13
3	14
4	2
5	1

This has huge consequences in terms of the capacity of each member. While we have moved on from the early days of the Senedd, where diary clashes between multiple committees were not unheard of, leading to members having to leave bags in one and swap between them, we do still face members having to read stacks of paperwork and evidence for each committee in order to properly fulfil their scrutiny role.

As the [Expert Panel on Assembly Electoral Reform](#) concluded, while examining the committee structure of the Senedd:

“The size of the Assembly makes membership of two, sometimes three, demanding committees inevitable for most backbench Members. This is damaging to the effectiveness of the Assembly. It constrains the time available for Members to read, research and prepare and has a corresponding effect on the capacity of Members to undertake high quality scrutiny, develop alternative policy thinking, and engage effectively with stakeholders and the public.”²

We have also seen particular examples of this pressure being applied within the Senedd, with subcommittees of around 3-4 members having previously been used to scrutinise legislation.

Over the last decade and a half, many reports and commissions have recommended that the size of the Senedd be increased, including the Richard Commission, the Expert Panel on Assembly Electoral Reform, and our own work such as our [Size Matters](#) and [Reshaping the Senedd](#) reports.

Yet, the calls for reform have gone beyond these reports. In July last year, the Assembly voted in favour (by 35 to 15) of a motion calling for more members.³

¹ Figures correct as of 19th March 2020. The number of Members who are ruled out from committees also includes one Member currently on maternity leave.

² [A PARLIAMENT THAT WORKS FOR WALES](#)

³ <http://www.senedd.assembly.wales/ieListDocuments.aspx?CId=401&MID=5673>

Y Pwyllgor ar Ddiwygio Etholiadol y Senedd
Ymgynghoriad: Nodyn o'r materion a drafodwyd yn ystod y digwyddiad i
randdeiliad ar gapasiti
CAP 01 Cymdeithas Diwygio Etholiadol Cymru

At the same time, a range of organisations from civil society raised their own concerns around the size of the Senedd, and signed up to a call for more members. These organisations included the WCVA, IWA, British Heart Foundation, Colleges Wales and the National Autistic Society.⁴

The reality is that the limited capacity of the Senedd is being felt not just by members, but by organisations across the third and private sector who feel that it is limiting the Senedd's potential to deliver for the people of Wales.

As Professor Laura McAllister wrote in February 2020:

*"Our expert panel heard no compelling argument, backed up with real, hard evidence or suggestions for further innovations in working, as to why 60 members is sufficient to properly deliver for the people of Wales – and nor have I since."*⁵

We cannot have another 15 year of reports and calls for change. Political parties must commit to a larger Senedd as part of manifestos for the 2021 election, with urgent reform to take place immediately after the next election. This is not an issue of politicians voting for more politicians. It's an issue of politicians voting to deliver a stronger and more effective parliament which will benefit the people they represent.

2) Would things be different if the Assembly had more Members? If so, how?

A larger Senedd would be a much more effective Senedd in terms of discourse, debate and proper scrutiny. An increase to 90 Members would see around 70 Members available to undertake the parliamentary functions currently undertaken by around 40.

At a practical level, more Members would mean more capacity to sit on committees and reduce the number of members sitting on multiple committees. This would mean that Members would have the proper time to deal with the many concurrent inquiries and consultations a committee undertakes, being able to read and study the evidence, and be much more across legislation. This would result in a much higher level of specialisation, as we see in other parliaments.

The Expert Panel also found this, arguing that such specialisation would in particular develop at around 90 Members:

"A figure close to 80 would undoubtedly strengthen the institution and make it better able to fulfil its responsibilities effectively. However, at the upper end of our range, the benefits

⁴ <https://action.electoral-reform.org.uk/page/45132/action/1>

⁵ <https://www.walesonline.co.uk/news/news-opinion/backing-away-addressing-national-assembly-17667591>

Y Pwyllgor ar Ddiwygio Etholiadol y Senedd
Ymgynghoriad: Nodyn o'r materion a drafodwyd yn ystod y digwyddiad i
randdeiliad ar gapasiti
CAP 01 Cymdeithas Diwygio Etholiadol Cymru

*would be greater, providing a more meaningful difference in the ability of many Members to specialise, with consequent benefits for scrutiny and representation.*⁶

Any government needs proper scrutiny and a larger Senedd will deliver that much more effectively. What that means in practice is better delivery of services, more accountability in terms of how money is spent and stronger legislation.

As Professor McAllister wrote recently, *“And not doing it [increasing the size of the Senedd] might pose an even bigger existential risk.... We need to find a counter-narrative and quick, one that is, in itself, populist and positive. How about starting with an explanation of the difference between the Senedd and the Welsh Government? Then showing how a more muscular parliament can save money and deliver more by consistently asking the tougher questions about schools and NHS performance?”*⁷

3) If the Assembly continues to have 60 Members, what could it, its committees, its Members, political parties or others do differently to increase the Assembly's capacity?

As the Expert Panel concluded, after weighing up many different options for amending the Senedd's working week or involving non-AMs into decision making, there are no options that can address the fundamental issue of the Senedd's capacity being too small.

In the *A Parliament that Works for Wales* report,⁸ the Panel concluded:

“None of these approaches can address the underlying limiting factor: the severely limited time available for the 60 elected Members to carry out the full range of their responsibilities. This is, necessarily, a limiting factor on the capacity of the Assembly to truly be a parliament that works for the people of Wales.”

We are frustrated that three years after this report, these options are still being considered. Political parties must commit to an increase in the size of the Senedd at the upcoming election. There is no alternative if we want to effectively represent the people of Wales.

6

<https://www.assembly.wales/NAfW%20Documents/About%20the%20Assembly%20section%20documents/Expert%20Panel%20on%20Assembly%20Electoral%20Reform/A%20Parliament%20that%20Works%20for%20Wales.pdf>

⁷ <https://www.walesonline.co.uk/news/news-opinion/backing-away-addressing-national-assembly-17667591>

8

<https://www.assembly.wales/NAfW%20Documents/About%20the%20Assembly%20section%20documents/Expert%20Panel%20on%20Assembly%20Electoral%20Reform/A%20Parliament%20that%20Works%20for%20Wales.pdf>