

# Consultation on the note of issues raised at the Committee on Senedd Reform's stakeholder event on the capacity of the Senedd: Response from an individual via online questionnaire – February 2020

## Issue 1: Size of the Assembly

**Extract from note:** There was general consensus that the Assembly does not have the capacity it needs, and that this presents challenges for scrutiny and democratic accountability. Some participants noted that the Assembly has responsibility for many of the issues which affect people most in their daily lives, but that once members of the Welsh Government and the Presiding Officers had been taken into account, only around 45 Members are available to undertake the Assembly's scrutiny functions. While there was consensus that scrutiny is generally of a good quality, some participants felt it was inevitable that without increased capacity, the Assembly would miss significant issues which should be subject to scrutiny. There was general support for an increase in the size of the Assembly. Some participants suggested that an increase should be towards the upper end of the Panel's proposed bracket of 80-90 Members to future-proof the institution and avoid further adjustments being required in the foreseeable future.

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**Response:** agree with the assessment above. The National Assembly has done tremendously well to absorb and adapt to a great deal of constitutional change that involved both significant structural changes but also a broadening and deepening of its powers and competencies. It has done so by strengthening the provision supporting the work of the Assembly Members and the work of committees. However, at the core of the representative Welsh democracy should sit the quality of deliberation done by its elected representatives. This deliberation should be driven and enriched by politicians and only supported by officials, experts and civil servants. Evidence has pointed out that by any measure (see the regional authority index for instance), the Assembly's size is under what international benchmarks show as standard floor capacity. And even though the Assembly has a track record of versatility and fast institutional learning, the challenges it faces in the

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next few years are inseparably more complex and problematic than ever before (Brexit, nationalist populism in and from England, devolution of justice, etc). The Expert Panel's compelling evidence and arguments for a 90 Member Assembly should be taken into real consideration.

## Issue 2: Role and responsibilities of the Assembly

**Extract from note:** The role of the Assembly has changed significantly since it was established in 1999; in particular it now has law-making and taxation responsibilities. Brexit and the recommendations of the Commission on Justice in Wales that justice and policing should be devolved may result in further changes. Participants noted that the establishment of the Assembly, and subsequent changes to the devolution settlement, had been controversial, but that support for devolution had increased. There was general consensus that it was important to help the public to understand that the Welsh Government and Assembly take decisions which directly affect people's lives, and that such decisions must therefore be properly and effectively scrutinised by Members who have the skills, time, capacity and expertise to do so. The lack of media focus on the Assembly was regarded by some participants as a major concern. It was felt that good work sometimes went unnoticed, and that Members may be aware that they work in a parliamentary environment which is subject to less scrutiny than other UK legislatures. Some participants suggested that the media, both at Welsh and national levels, could do more to explain the work of the Assembly and why more Members are needed.

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**Response:** The above is a fair statement. The Assembly is essentially a very institution to that established in 1999. All main functions of the Assembly (scrutiny, law making, tax raising and representation) are likely to be tested in the next few years by Brexit, devolution of justice and the changing nature of the Union. However, I would like to raise another point here. This is linked with the representational role of the Assembly. One of the main challenges in the Assembly deploying this role is tackling the endemic information deficit, political disaffection and disenchantment. This makes Welsh devolved democracy vulnerable. Sentiments around the Assembly operating in a 'Cardiff Bubble' are counter to the devolution aspirations of inclusivity and shaping a new kind of politics in Wales, essentially different from Westminster. Antidevolutionist sentiments capitalising on the media and information deficit in Wales may prove real challenges in the future.

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### Issue 3: Assembly Committees

**Extract from note:** Participants felt there were severe limitations on the time available to Members to prepare for formal Assembly business, to engage with the evidence and available expertise, and to reflect on the matters they are scrutinising. Participants suggested that smaller parties struggle to take up places on all Assembly committees and that larger parties find it difficult to fill all of the committee places allocated to them. It was noted that the recent reduction in committee size had partially alleviated the pressure of the number of places, but that it would now be harder for Members to specialise in different aspects of committee portfolios. This was felt to be exacerbated by the breadth of committees' remits. Participants suggested that the breadth of remits was itself partly driven by the constraint the Assembly's size puts on the number of committees which can be established. A further consequence of the breadth of remits combined with a lack of capacity was felt to be an increase in the number of short inquiries in place of longer, more detailed pieces of work. Opportunities for postlegislative scrutiny and horizon-scanning to anticipate areas of interest and importance were also thought to be limited. Some participants were concerned that scrutiny of Government decision-making tended to be retrospective, limiting the opportunities for Members and committees to influence and shape Government policy. The constraint on strategic and creative thinking was felt to lead to missed opportunities to set the agenda and influence policy, spending and legislation, as the time required to prepare for and attend committee and Plenary meetings limited the time available for creative political thinking or the development or consideration of alternative options. There was also some concern about whether the range of organisations and individuals from whom committees take evidence is sufficiently broad. Some participants observed varying levels of expertise among committee members in relation to the more technical aspects of scrutiny, and were concerned that committee activity was being led by the skills and knowledge of the supporting officials. Participants recognised the technicality and complexity of some of the issues Members consider, including primary and secondary legislation and detailed Government policy proposals. This contributed to concerns about the level of turnover of committee memberships, which participants felt could hinder Members' ability to build up expertise upon which detailed and probing scrutiny could be based, especially in technical areas such as taxation. Some participants noted that constraints on the time or capacity available

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for scrutiny could have a detrimental impact on the Assembly's capacity; for example, inadequate scrutiny of legislation could lead to defective or ineffective legislation requiring resolution by further policy or legislative action and giving rise to additional scrutiny requirements

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**Response:** Some fair observations here. This is a typical case of structure vs. strategy. The small size of the Assembly has constrained the strategic choices available to the Assembly in what regards its operation (of its committees for instance), and its focus (legislative burden may take time away from committees that want to engage in more 'out of the box' type of inquiries). It is generally accepted that successful organisations let strategy determine their structure - that is they can adapt and fine tune their structure and operation according to their overall strategic intent. Organisations that are constrained by their own limited capacity (structures of resources) may be resilient, may be great at streamlining and adapting, but ultimately their ability to set their aspirations and goals at strategic level are hindered and limited by size, for instance.

#### Issue 4: Engagement with the public and stakeholders

**Extract from note:** Participants felt that the majority of Members' time while on the Assembly estate was taken up with formal Assembly business, with limited opportunities to undertake formal Assembly business away from Cardiff Bay, or for Members to engage informally or meet with stakeholders, constituents, service users or others. Some participants noted that the current capacity constraints are particularly acute for Members representing the constituencies which are furthest from Cardiff Bay, as a greater proportion of these Members' time is spent travelling. Concerns were expressed that access to Members might sometimes be on the basis of personal relationships, rather than the importance of specific issues or strength of argument. Participants felt that if an increase in capacity reduced the time pressures within the working week, or allowed Members to specialise in particular policy issues, it could improve and increase the quality and diversity of engagement. Participants also suggested that constraints on Members' time can limit the scope for them to engage with each other on a cross-party basis. This was felt to encourage a tribal culture within the institution and limit the scope for working across party lines to build consensus and think creatively about the issues facing Wales.

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**Response:** The above is a fair assessment as well. Pressure on Assembly members' time and on committees may impede more meaningful engagement with a wider and diverse range of stakeholders. With the franchise being extended to 16 and 17 year olds, more effort will need to be paid to make a success of this and really galvanise young people to engage in the democratic process. This is not only a matter for the individual members but also an important matter for the Assembly collectively and in fact for the entire Welsh political class and associated political institutions (including at local level).

### Issue 5: Assembly Commission staff support

**Extract from note:** Participants highlighted the role of Assembly Commission staff in supporting scrutiny, especially through the Assembly's committees. They noted that while staff support has been increased and is generally of a high standard, it cannot substitute for Members having the time to engage directly with the evidence and the issues, or for the political perspective that only Members can bring. Some participants noted that on occasion they had observed a lack of experience or specific technical knowledge in the advice provided to Members, which had been reflected in the approach to questioning taken by Members in committee.

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**Response:** A fair comment and assessment. Official support cannot replace deliberation of political elected representatives and they cannot over rely on advice and support. A better integration of and access to experts is something that can help, but again, ultimately, the democratic deliberation will be influenced both by how big the pool of talent among members is (i.e. size) and by the calibre of those members.

### Issue 6: Comparisons with other legislatures and intra-party scrutiny

**Extract from note:** Participants reflected on the size of other UK and international legislatures, noting that the Assembly appears undersized in comparison. Some participants suggested that in a smaller legislature Members may be less likely to be critical of their own party than members of larger legislatures, and argued that a larger membership might allow for more scrutiny within parties, as well as of the Welsh Government. There also were some concerns that the regional list element of the current electoral system might deter Members from criticising their own party if they felt they had been elected in the name of the party rather than as individuals.

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**Response:** small number do affect the nature and quality of relationships within an organisation.

The respondent did not respond to the remaining extracts from the note.