

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.