



Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

# Cofnod y Trafodion The Record of Proceedings

## Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol

### The Constitutional and Legislative Affairs Committee

13/3/2017

Agenda'r Cyfarfod  
Meeting Agenda

Trawsgrifiadau'r Pwyllgor  
Committee Transcripts

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Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Mae hon yn fersiwn ddrafft o'r cofnod. Cyhoeddir fersiwn derfynol ymhen pum diwrnod gwaith.

The proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included. This is a draft version of the record. The final version will be published within five working days.

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Yr Arglwydd / Lord Dafydd Elis-Thomas <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Annibynnol Independent
Huw Irranca-Davies <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)
Dai Lloyd <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Plaid Cymru The Party of Wales
David Melding <a href="#">Bywgraffiad</a>   <a href="#">Biography</a>	Ceidwadwyr Cymreig Welsh Conservatives

**Eraill yn bresennol**  
**Others in attendance**

Elfyn Llwyd  
 Y Farwnes/Baroness  
 Randerson

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Gareth Howells	Cynghorydd Cyfreithiol Legal Adviser
Sam Mason	Cynghorydd Cyfreithiol Legal Adviser
Gerallt Roberts	Dirprwy Glerc Deputy Clerk
Tanwen Summers	Ail Glerc Second Clerk
Dr Alys Thomas	Y Gwasanaeth Ymchwil Research Service

Gareth Williams                      Clerc  
    Clerk

*Dechreuodd y cyfarfod am 14:00.  
 The meeting began at 14:00.*

**Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datganiadau o Fuddiant  
 Introduction, Apologies, Substitutions and Declarations of Interest**

[1]     **Huw Irranca–Davies:** We'll begin this session of the Constitutional and Legislative Affairs Committee, on Monday 13 March. We'll shortly be welcoming formally Baroness Randerson, who has joined us for today's session, and you're very welcome indeed. But before I do, just a couple of housekeeping remarks: as we know, as normal, we're not expecting a fire alarm, but if there is one, our great staff will indicate the ways out through the fire exits; if you can make sure that all mobile devices are switched to silent mode or off; we do have simultaneous translation here, which is also on a sound loop to amplify sound, so please feel free to use those; and you don't need to touch the microphones, they just come on automatically. We have one set of apologies today and that's from our colleague Nathan Gill. Otherwise, we're all present and correct.

14:01

**Ymchwiliad Llais Cryfach i Gymru: Sesiwn Dystiolaeth 3  
 A Stronger Voice for Wales Inquiry: Evidence Session 3**

[2]     **Huw Irranca–Davies:** To move to the formal part of today's session—the first part of today's session—item 2, under our stronger voice for Wales inquiry, we have our third evidence session now, with Baroness Randerson, who, of course, has great knowledge of intragovernmental working from the time you've spent there as part of the coalition Government as well, but also through your current role and longer experience, as well. I think, in terms of ministerial duties or shadow ministerial duties, we're around this a lot; we get a good understanding that builds up.

[3]     If I could, as well as formally welcome you, perhaps kick off a little bit with you, Baroness Randerson, to ask, from that experience you have as a Minister in the Welsh Government and as a Wales Office Minister, for your

thoughts on what has worked well in your experience and maybe what has worked not quite so well, too.

[4] **Baroness Randerson:** Thank you. Prynawn da. Thank you very much indeed for asking me to attend today. I'm feeling slightly intimidated given the calibre and experience of members of the committee.

[5] **Lord Elis-Thomas:** That's only the Chair.

[6] **Baroness Randerson:** I fear I won't be able to add that much to the sum of their knowledge. Anyway, to answer your question, Chair, I think the structures were there, to a large part, from the very start, in 1999, although there's obviously been evolution and there's been some tweaking with experience. But I would say that, as with virtually every organisation, it works well when the personal relationships are good and it stutters badly when the relationships are not as good. In fact, you've got all your structures like the Joint Ministerial Committee and so on, but the real work—the chunky stuff—is done in bilaterals, and is very often done on the telephone and is done informally.

[7] When I was in the Wales Office, my role was specifically to liaise with Welsh Government and with the Assembly, because of my background. And officials did say to me that they felt the difference once there was someone in the Wales Office who understood how the Assembly worked and who already had established relationships with Assembly Members. I think that, since that time, both Stephen Crabb and Alun Cairns have invested a lot of effort in improving relationships with the Welsh Government. Of course, Alun Cairns has the advantage of understanding the Assembly in exactly the way I do as well.

[8] Going back right to the beginning, I would say that, in the early days, obviously, everyone was learning, and it was also different because, although I was in a coalition Government, there was Labour domination at both ends of the M4, and it worked much more on informal, internal Labour party relationships.

[9] **Huw Irranca-Davies:** It's fascinating what the political make-up might do to this. You were stressing there the importance of the interpersonal relationships—the informal bilaterals as well as the formal mechanisms. Do you think the political make-up either end of the M4 makes a difference to that, or can those strong interpersonal relationships work beyond party

differences? Does it make a real difference? Certainly, I'm aware of the situation that it's never completely straightforward when you have the same Government at either end. There are difficulties there.

[10] **Baroness Randerson:** Personal relationships can definitely fail within individual parties, and I think Northern Ireland has proved that personal relationships can trump political allegiances and work well despite different political allegiances. I think that what happens when you've got different politics is that you have to make that extra effort, and you have to make it that bit more formal, but you also inevitably do not start out with quite the level of trust about the motives of the person you are relating to in the other organisation.

[11] I think it's fair to say that, when I was in the Wales Office, I was used to make that bridge because it was felt that I understood how the Welsh Government was thinking. I was obviously not in the same party, but I was almost a bridge between the Conservative Secretary of State and the Conservative-dominated Government—but it was a coalition, obviously—but Conservatives in the Wales Office and the Labour Party here.

[12] **Huw Irranca-Davies:** I'm sure we'll come back to that in a moment, perhaps, the detail of that, and how that works, when we talk about those informal bilaterals as well as the formal ones—how often, how regularly? Is it just in times of crisis or should it be more mundane, more picking up the phone and so on? But I'm sure we'll come back to that.

[13] I wonder if I can just ask one final thing before we go on to other colleagues. The Joint Ministerial Committee itself, which has been there, it seems, ever since the time of the dinosaurs—the place where we can go and do agenda-ed business, where discussions can happen. Do you see that that role has evolved at all, or is it pretty much the same JMC that was there nearly 20 years ago?

[14] **Baroness Randerson:** It has changed, although I don't think structurally it has changed that much. But the way it works has changed. Starting in the early years, certainly JMC was treated very informally, and I well remember a meeting that I was representing the Wales Government at, where John Prescott felt he could be quite dismissive of me because I was not a Labour politician. Now, that is not the way in which Government relations usually work, but he just forgot himself because he was treating it as a Labour Party meeting.

[15] **Huw Irranca-Davies:** So it wasn't a reflection on where devolution was per se. That was more to do with party politics within that meeting.

[16] **Baroness Randerson:** I think it was. No, I do think it was a reflection on where devolution was. I think it was because JMC had not established itself as a formal organ, a formal part of the structure. It is now very much a formal part of the structure. I felt that JMC was a pretty negative part of the structure for some years when I was in the Wales Office. I found it seemed to follow a certain pattern. There would be a certain abrasiveness from the Welsh Government prior to the meetings, interviews with the press, and so on, that talked about the problems that were going to come up, and then a certain dismissiveness by the Wales Office about what had happened there. I felt that it didn't work terribly well.

[17] I used to be at the JMC Europe where we had the same discussion on a regular basis about representation in Brussels, and that seemed to be the same discussion we actually had very informally back when I was a Minister the first time. So, we clearly had not moved on a lot. I think it's better now. Certainly, the public stuff associated with it, the press releases, and so on, have been much less sterile. The interviews have been much more conciliatory, and I think it moved on around about 2013-14. Things improved a lot, and I would say that, from a Wales perspective, what moved it on was the issue that we began to get—. Well, we had the Wales Act 2014, and I think the moves to that helped to move it on. And also what helped to move it on was the first—I say 'first'—Scottish independence referendum, because it's fairly obvious today we might well have a second one.

[18] **Huw Irranca-Davies:** Indeed. I'm going to move on to Dai Lloyd, but just one final follow-up question on that. It seems interesting to me that, from time to time, outside of the JMC, outside of the bilaterals and outside of the normal mechanisms, things will flare up. There will be megaphone diplomacy and we have to accept that as politicians, but that's okay as long as the wheels behind the scenes are steadily turning. I put it to you that, as long as there's an understanding and as long as those discussions are being had, where somebody says, 'Look, I'm going to have to go public on our discontent on this, but I want you to know next week I'll be sitting down with you and working through this', you can sort of manage it. It's when it isn't working behind the scenes that there's a problem—when the megaphone diplomacy is all that there is. Sorry for the slight preamble on that, but I'd be interested in your view on that basis on what the role of the JMC should be.



When is it at its most effective? What are the characteristics of a good JMC?

[19] **Baroness Randerson:** I think it should be one where you are not just following a predetermined formula, when it's not just being used to push a point of view, but it's being used to achieve an agreement. Also, of course, remember that the whole point of JMC is that you've got the four leaders meeting together, or representatives of the four Governments meeting together, and it's an opportunity to do a great deal more than just have a confrontation with the UK Government. One of the things that I learnt in the three years when I was in the coalition, as I was also dealing with Northern Ireland in the House of Lords, was that the pace of devolution was very different in Northern Ireland. The characteristics of devolution are very different in Northern Ireland, and it goes without saying that Scotland is different again. And I think a good JMC is an important opportunity to present to the UK Government the fact that there are three differing views in the rest of the UK about these things. There may not always be differing views, but they are coming at it from a different perspective.

[20] **Huw Irranca-Davies:** Thank you, Baroness Randerson. Dai, over to you.

[21] **Dai Lloyd:** Diolch yn fawr, Gadeirydd, a phrynhawn da i Jenny Randerson. Croeso i'r pwyllgor. Rydych chi'n rhannol wedi ateb y cwestiwn yma eisoes, ond y cwestiynau ydy—

**Dai Lloyd:** Thank you very much, Chair, and a very good afternoon to you, Jenny Randerson. Welcome to the committee. You've answered this question partially already, but I did want to ask this first question—

[22] **Baroness Randerson:** I'm sorry; I'm not—. I should be able to do this. Ah, there we are—got it.

[23] **Dai Lloyd:** Rydw i jest am sôn am rôl y gwasanaeth sifil yn Llywodraeth Cymru ac yn Whitehall. Rydw i'n gwybod eich bod chi'n rhannol wedi ateb y cwestiwn yma, ond hefyd mae'r pwyllgor yma wedi derbyn tystiolaeth mai prin ydy'r ddealltwriaeth gan weision sifil yn Whitehall i ddatganoli. Beth yw eich barn chi?

**Dai Lloyd:** I just wanted to mention the role of the civil service in the Welsh Government and in Whitehall. I know that you've partially answered this question, but this committee has received evidence that the understanding of devolution among civil servants in Whitehall is poor. What's your view on that?

14:15

[24] **Baroness Randerson:** Yes, I agree that, in many parts of Whitehall, it isn't good. It's very patchy. Some of the departments are much better than others. I think I need to preface this by pointing out the enormous size of the Whitehall civil service, and the fact that they're all in separate departments. And unlike the civil service here, where they walk down the corridor and use the same canteen and all the rest of it and therefore know each other and there is informal contact, these people are living in—I'll try and avoid the word 'silos', but they're living in separate departments, and there is little opportunity for informal cross-fertilisation of ideas. I think it's also important to bear in mind that what struck me as a Minister was the speed of Government. Let's say you have an idea that comes up. It has to be circulated around the whole of Government, it has to be agreed by the whole of Government, and, therefore, when you also have to factor in devolution as well, that means that, sometimes, you just don't meet those timescales.

[25] There is a devolution link in every department, and the Wales Office spends a lot of time and effort building up relationships with those links, but we all know how the civil service works—they move on. You build up a good relationship at official level with the formal devolution link and suddenly they're gone. I think one of the key and almost invisible roles of the Wales Office is building up that understanding within the civil service, and, when that understanding is not there and a proposal comes out that makes you say, 'Hey, this is no good', the Wales Office moves very fast to deal with it. There are obvious examples where issues have arisen—things like S4C, issues associated with the Welsh language, issues associated with water supply, and so on, where people are—. It's not to do with ill will; it's to do with lack of understanding or lack of knowledge. And people need to be moving in very fast in the Wales Office and building up that understanding.

[26] The other thing, of course, to bear in mind is that devolution is so complex. So, someone sitting in the Department for Transport, let's say, or the Department for Environment, Food and Rural Affairs, thinks they've got the hang of it, but actually they've got the hang of how it works in Scotland and it's completely different in Wales. So, it is very difficult.

[27] **Dai Lloyd:** Diolch am yr ateb **Dai Lloyd:** Thank you for that yna. Ac, ar gefn hynny, a allech chi response. In addition to that, could ehangu ar sut mae rôl Swyddfa you expand on how the role of the Ysgrifennydd Gwladol Cymru, a Secretary of State for Wales, and the

Swyddfa Cymru, wedi datblygu ers Wales Office, has developed since 1999? 1999?

[28] **Baroness Randerson:** I think it's developed according to the personality that inhabits that role at the time, and the strength of that individual. It's no secret that it's not a very powerful voice around the Cabinet table as a regular thing, but I would say, looking back, both, for example, Peter Hain and Stephen Crabb had an influence within Cabinet that was stronger than would necessarily be the case. I would also say that, at the moment, Theresa May is very aware that, if possible, she has to keep the devolved administrations onside. And, therefore, I think that, probably, our current Secretary of State is being listened to from that perspective. But there are—. When I look back on the Secretaries of State during the coalition years, it was obvious that, for example, Stephen Crabb did a lot of work on economic development, and David Jones did a lot of work on international stuff, which was very good for Wales—it took the voice of Wales abroad—but, of course, we tend only to listen to the Wales Office when there's something constitutional going on, and that's when it hits the headlines, isn't it?

[29] **Dai Lloyd:** Grêt. Diolch am hynny. A'r cwestiwn olaf wrthyf i ydy: yn dilyn hynny i gyd, pa gamau y byddech chi'n eu hargymell i wella cysylltiadau rhynglywodraethol rhwng fan hyn a San Steffan?

[30] **Dai Lloyd:** Great. Thank you for that. And the final question from me is: following on from all of that, what steps would you recommend to improve intergovernmental relations between this place and Westminster?

[31] **Baroness Randerson:** I think it's essential that relationships are worked on at this particular moment. With Brexit, it is going to be so important that the voice of the Welsh Government is listened to, but, ultimately, it's always down to personalities. How far ahead do you want me to look? I'd love it to be a federal system and there to be equal power, equality of arms across the piece, but I don't think we're going to be there any minute now. But I do think it's important that we use the opportunity of Brexit to look properly at whether those powers that are being repatriated from the EU come back to Wales rather than automatically assuming they go to the UK Government. But every First Minister and Secretary of State, if they've got any common sense—and they've all clearly got a lot of that—should aim to establish positive relationships, and I think that one of the signs of maturity of the Welsh Assembly and the Welsh Government is that, nowadays, the Secretary of State is used as a friend and champion more often than abused as someone who is failing to deliver.

[32] But I think that we are in a time when those institutions, the formal ones, have got to be strengthened, and I know that the UK Government is looking at more frequent meetings. There is already a Joint Ministerial Committee on exiting the EU, and there should be more meetings of a subject-specific nature, in my view. I think there should be a formal place for meetings on, for example, agriculture. When I was a Minister here, we had four-way meetings on sport, for example. Now, I don't know whether Ministers regularly meet on that basis at the moment, but, certainly, agriculture Ministers should be doing that in the future.

[33] **David Melding:** Could I ask a supplementary on this?

[34] **Huw Irranca-Davies:** Indeed, David.

[35] **David Melding:** I think you've been very thoughtful on the JMC, saying that it works best when it's not just constrained by the sort of arid, formalistic approach that, inevitably, is an aspect of these structures. But I could say to you that the British state has been in crisis for—at least since the run-up to the Scottish referendum. There was then a panicky declaration that there would be some sort of federalism or whatever on the very eve of that vote. That was kind of followed through in not a brilliant way, and seemed, at best, bilateral. We've had Brexit, with all the consequences for the union there, and we will now have a second referendum in Scotland. Now, as a passionate unionist, this does not seem to me a scorecard of magnificent alacrity. And the JMC has been inert, as far as I can see, and has not really done any creative thinking. Am I being brutally pessimistic, or is that a fair description?

[36] **Baroness Randerson:** I think it's certainly not set the pace in any way at all, and, of course, you haven't mentioned Northern Ireland, which, to me, is on the verge of another potential election, and goodness knows where that goes in the long term with Brexit. So, we are at a point where I think you're quite right, the JMC has not—. You see, it's being used as a forum to sort out the differences between four leaders, rather than being used as a leadership forum across the piece.

[37] **David Melding:** That's well stated, I think.

[38] **Huw Irranca-Davies:** Dafydd, would you like to take this into the next area of questioning, please?

[39] **Lord Elis-Thomas:** First of all, I'd like to thank you for being here. It's lovely to have you. I will ask my formal questions *yn Gymraeg*, because you're used to the way I carry on, but I do appreciate the fact that you are in a unique position as a Minister in a Welsh Government and a Minister of the UK Government. I doubt if any of us around this table will ever reach that high status, unless—.

[40] **David Melding:** Don't look at me. [*Laughter.*]

[41] **Yr Arglwydd Elis-Thomas:** A **Lord Elis-Thomas:** If we could just gawn ni fynd yn ôl ychydig i ystyried look back a little and consider the datblygiad datganoli ac, yn arbennig, development of devolution, and, swyddogaeth comisiwn Silk? Fel particularly, the function of the Silk Gweinidog yn y Llywodraeth a wnaeth commission, as a Minister of the gomisiynu'r comisiwn, beth oedd ei Government who commissioned that sefyllfa hi fel Gweinidog yn ymateb i'r work, what was your position as comisiwn? Minister in responding to the commission?

[42] **Baroness Randerson:** Well, of course, the commission produced two reports. The first one was in 2012, and that led to the 2014 Wales Act. The second report was delayed, not by a phenomenal period of time, but that delay did mean that the work on it was—we were fairly pushed in getting the work done in time for the general election, and that's why the St David's Day agreement took the form it did. Now, I would say that, to start with, the usefulness of the Silk commission was very definitely that it managed to produce a report that, on a cross-party basis, was fairly radical. There are some of us who would have liked it to be more radical in some ways, but it was a cross-party document, and that was its strength.

[43] The first report took a long while to produce a Government response. To critics of that, I would say: you have no idea of the blood, sweat and tears that went into producing an agreement that went across the piece—not because anyone was being particularly difficult in any way; it's just that government is so complicated. Go around from one department to another, trying to get agreement, and it's a very time-consuming thing, because human nature is such that no-one ever wants to give up powers and so, therefore—

[44] **Lord Elis-Thomas:** Yes, but that's a sin of government, isn't it? An

original sin of government, probably.

[45] **Baroness Randerson:** Quite probably. But it's very difficult to persuade people to give up powers. So, that report came out and led to the 2014 Act, which I recall you telling me, across the Chamber, was not as good as it might have been and it was a modest little piece of work, but it was nevertheless—I say this as a pragmatist—a step forward. Then there was the St David's Day agreement, and the process there—people accused the current Government of rushing to do the Wales Act 2017, and it being half thought through.

14:30

[46] But that, of course, was built on the shoulders of the second Silk report, and I would say two things: first of all, you'd never have got anything as ambitious in its small way as we have had this year if you hadn't had the second Silk report. I know that there were things that you and I would've liked to see in it, like devolution of policing and so on, which didn't appear. But, nevertheless, we've had the reserved-powers model, and that's very much down to the second Silk report, and down to the work that was done on the St David's Day agreement. I'll go back to the fact that people said it was rushed: at the time when it was being pushed through, we were being criticised for being too slow. A lot of people in Wales were saying, 'This is going to slow.' In the end people said, 'Oh, it's going too fast.' So, perhaps it was about the right speed.

[47] **Lord Elis-Thomas:** The thing about the reserved-powers model for me is that it puts us in the same constitutional form as the rest of the UK, but the exceptions do not, and I don't know what we do about that. In a sense, the St David's agreement produced a form of constitution that was much improved, but the actual content, the levels of exceptions, meant that it couldn't—. It was, and still is in some ways, less than we had with the conferred-powers model. Is it the St David's agreement, because it was a 'Turn it down if you wish' from all sides. It wasn't looking for a common agreement—it was looking for what people would agree to in different parties. Is that the issue here?

[48] **Baroness Randerson:** I wasn't at those meetings, but I've got reports, obviously, whenever they were held, and I talked to people who were at those meetings. The principle behind it I thought was very good because it meant that you were continuing with the cross-party impetus behind Silk, so it's

always stronger in your arguments if you can do it on a cross-party basis. So, we tried to keep that cross-party agreement, and that meant, of course, you lost a certain amount of the radical edge to it. I would say, in addition to that, that the intention, at least in part, was to get agreement prior to the election in order, in a way, to park the constitutional arguments during the election process. And that meant that, in the end—pragmatically, again—the Conservative Government came in with a commitment to further legislation and a reserved-powers model, and that, I think, is actually a very good thing.

[49] I agree with you wholeheartedly that it's a flawed model. I mean, the reserved-powers principle is excellent; the way in which it's actually applied in Wales is flawed. It's complex because the original devolution settlement that we had in 1999 was very complex and flawed, and we've kind of inched forward from that in various directions, but we haven't ever sat down and rewritten it, and that's—. And I think that, you know, what I said in the House of Lords in debate, on what is now the 2017 Act, was, 'You know, it's going to end up in the courts with legal judgments as a result of debate on the limits of powers, I would imagine.' It would have been much better if it had been simpler, but we have it. And although you can argue that maybe there are one or two parts where there's been a slight retreat, there have also been some important steps forward, and I tend to think that as long as we generally move forward, it's a good thing.

[50] **Lord Elis-Thomas:** Your answer tempts me to ask a cheeky question. My great friend and mentor, Lord Richard, chaired a committee at one time that did produce very much a different model—almost a federal model—of Wales's relationship with the UK, and the Government at that time failed to implement it. Is that why we are where we are? You don't have to answer that, but—.

[51] **Baroness Randerson:** Well, there is an excellent book by a man called David Melding—

[52] **Lord Elis-Thomas:** Oh, yes. Of course.

[53] **Baroness Randerson:**—called *Will Britain Survive Beyond 2020?*

[54] **David Melding:** I was being optimistic.

[55] **Dai Lloyd:** It's not going to make it.

[56] **Baroness Randerson:** I quoted it recently when I went to do a seminar at University College London, and my view is, and has been for many years, that a federal UK would be a much happier place, a much more confident place, and it would be a much more stable place than what we have now. And what we have in Wales is not going to be the end of the story—we all know that. There will be ongoing demands. Now, what we did hope, in 2015, was that the St David's Day agreement was going to provide stability, but it was not sufficiently radical to do that.

[57] **Lord Elis-Thomas:** Let me ask you a final cheeky question: the relationship with the European Union of the various nations of the United Kingdom seems to me to be looking like this—Scotland may vote to remain in the European Union, and therefore will no longer be part of the United Kingdom as it is presently constituted; then, Northern Ireland will continue to wish to be part of the European Union, and therefore will strengthen its relationship with the republic. And that leaves where? Tudor England and Wales. What do we do then, Jenny?

[58] **Baroness Randerson:** Well, I—

[59] **Lord Elis-Thomas:** I thought it was a cheeky question.

[60] **Baroness Randerson:** Well, I just think that, going back to my previous comment, at the moment things are very unstable. Nothing surprises me any longer, and the latest twist and turn is there. My view is that we need to look to the immediate fights, and my immediate fight is to maintain Britain—Wales—in the EU, and in the single market if not the EU. And I realise, 100 per cent, that that has to be agreed by the people of Britain again, in some form or other.

[61] **Lord Elis-Thomas:** I did vote for your amendment. [*Laughter.*] Diolch.

[62] **Huw Irranca-Davies:** Baroness Randerson, before I bring the esteemed author of that tome in, in a moment, I wonder if I could ask you, looking back on the experience with the Wales Bill but also on your wider experience as well—. A moment ago, we were talking about the JMC and the fact that, as you were saying, it hasn't performed a leadership role in any way. It's been a discussion shop to resolve differences, or to put on the agenda things that were tricky and that needed resolution. If, as you say, short of 101 other things blowing this discussion out of the water, making it irrelevant—as you mentioned, Northern Ireland, a second referendum in Scotland and so on.



Short of that, if there is another stage of devolution needed—another Government of Wales Act—which way do you think it should be led? Where do you think the genesis should come from? How should it be constructed? What have we learnt that actually works well when Government of Wales Acts and when Acts of devolution work well, and when they don't?

[63] **Baroness Randerson:** My experience, going back a long way, and forgive me for this, to what I always call the Peter Hain Act—there was a commission, which was subscribed to by the coalition here, the partnership Government. That was then sort of bashed around by the UK Government, watered down, and then there was the 2006 Act, which was, as ever, a bit of a disappointment, then there was a continuing debate here about all the things that the 2006 Act didn't give us, which then led to the next one, and the next one led to the one we've just had. So, what I look at when making the judgment you're asking is: what stimulates the most positive way forward? And although I would say that the 2014 and 2017 Acts were not the be all and end all, and they were certainly disappointing, taken together, they very definitely move us to a different place. And in addition to that, we also had the referendum to give the Assembly full law-making powers.

[64] So, the Assembly now has the basic tools. It doesn't have the field of powers that it should have, but it has the basic tools to do the job—and the powers over running your own affairs and so on, which always struck me as being a total insult, that the UK Government could tell the Assembly how to run its affairs. But look at how that came about—that came about from a commission that was then taken forward by, at the time, a relatively willing Government. Now, the thing that marks it all out is the extent of cross-party agreement. The first commission managed cross-party agreement, but it then became very much a Labour Party issue. What the Silk commission did, feeding into the legislation that followed, was to retain the cross-party involvement. That's partly because you've got people of different parties at different ends of the M4, but the fact is you've now got two parties—it was previously three parties there—wanting to make progress, because bear in mind that the Secretary of State for Wales always wants to make progress of some sort or another. It may not always sound as if they want the Assembly to have loads of powers, but they do actually want to make their mark, don't they?

[65] **Huw Irranca-Davies:** Yes, indeed. David.

[66] **David Melding:** Jenny, we'd like to talk about inter-parliamentary

relations as well as this discussion we've had about the Governments working together. I don't know if you've ever had experience of the British-Irish Parliamentary Assembly—certainly one of your colleagues would have when you were in the Liberal Democrat group here. I just wonder if you have reflections on how that association works and is it a kind of a model of what we perhaps could see within the UK as well.

[67] **Baroness Randerson:** I was a member, for a couple of years at least, of the British-Irish Inter-Parliamentary Body, as we called it then.

[68] **David Melding:** Yes, it was called a body then, that's right.

[69] **Baroness Randerson:** But, I also went to the British-Irish Council of Ministers a couple of times. What I found most useful was that it raised my awareness of the complexities of the situation in Ireland, with Northern Ireland and the Republic.

14:45

[70] I'm not entirely sure that it contributed a great deal to my understanding of Scotland, for example. I think, in many ways, the smaller territories find that body the most useful one, but I do think that things have changed a great deal from those days and maybe we need to be looking at something that would perhaps raise awareness of the situation in Scotland beyond Scotland, so that those of us who don't have close direct links with Scotland maybe understand that more. The important thing, though, is to look at it from the point of view of England as well, because you've got to look and see how the people who attend that body from the UK Parliament actually feed back. I'm not aware of whether they feed back in any meaningful way to the UK Government. I'm not sure about that.

[71] **David Melding:** I suppose it would be possible to have some sort of formalised network of the four parliaments of the United Kingdom working, and you could do it a bit like the JMC. You could do it subject by subject; so, the environmental committees would meet perhaps once or twice a year, and then economic development and all the rest of it. Do you think that that sort of formal structure would—is there any appetite for it? Because there may be some appetite here in Wales, less appetite in Scotland, and no appetite in England maybe. Or do you think that any strengthening of inter-parliamentary relations would be better as—? When you opened your remarks, you said that you thought that governments worked strongly on a

bilateral basis, but then it got a bit weaker—but not necessarily without merit—as you went multilateral in the JMC. What would be the ideal way of increasing inter-parliamentary working in the UK? Would it be some form of association including all the four institutions, or would you say, ‘Look, you’re better off just working with the other parliament that’s particularly interested in a similar area or done a relevant bit of work a year or two before that you are now wanting to pick up’? How would you proceed?

[72] **Baroness Randerson:** I think it’s important that there is work between parliaments and not just work between governments. It’s very easy to rely on the work between governments. Work between parliaments is a very different thing. I also belong to the CPA—the Commonwealth Parliamentary Association—and the sort of local groups of that taught me a great deal about the other parliaments and how they work. It has shown me how they contrast, and so on, in development. I think that the idea of joint committee meetings—maybe if it’s just once a year or whatever—would undoubtedly raise awareness. You see, one of the issues that the Chair will be very well aware of—and so will Dafydd—one of the issues with Parliament is that you stand up and start talking about Wales and everyone who isn’t Welsh leaves the room. You might get the occasional interested Scot, but the point is that you are therefore talking to people who already understand the situation. What you have to try and do, if you’re going to improve understanding of devolution, is try to widen the circle of people who get to hear about how devolution works in Wales.

[73] **David Melding:** I think that’s very helpful and insightful. I think we’ve all been in those meetings when only those who know stay, and then your colleagues that would benefit from the session leave. Slightly more positively, have you observed any good practice between how the Assembly has worked with perhaps the House of Commons and the House of Lords and whether, perhaps, it’s been slightly better, perhaps, in the House of Lords than in the House of Commons?

[74] **Lord Elis-Thomas:** There’s always a case for flying the flag.

[75] **Baroness Randerson:** I’m very conscious of the fact that the Welsh Affairs Committee comes here, takes evidence and so on, but then, of course, they are people who know and understand Wales. But I do think that a great deal more should be done to encourage committees to come to Wales or to encourage people from the Welsh Assembly to go and give evidence or to do joint meetings with the House of Lords. I say the House of Lords

because the House of Lords has probably got the time and attention to detail to do some of the work that, at this moment, needs doing.

[76] My key thing at the moment is ensuring that Wales and the impact of Brexit on Wales are more widely understood. I'm a member of the EU Internal Market Sub-Committee in the Lords and we look at these issues in huge detail, but we very rarely consider anything connected with Wales directly. A lot of what we consider applies to Wales, but I am conscious that, occasionally, things might be different in Wales, and to have people from the Assembly coming to give evidence, as a regular thing—. You have an EU committee, so the two could meet.

[77] **David Melding:** My final question is a cultural one about how this is working currently and how you would develop it. I suppose there is something of a challenge in that in inter-parliamentary working, especially between all four institutions, Westminster is by default, or naturally, a first amongst equals, just because of the range of its work and its capacity, and probably the other institutions—that doesn't scare them too much. But sometimes, it goes beyond that so that it is rather overwhelming. I just wonder, do you sense that this mutual respect and awareness is developing? You've talked, several times, about the fact that the problem is that an awful lot of people, unless they're Welsh or have, at best, a holiday home or a passing interest or there's a grandmother or something from Wales—. We've all been in those conversations, haven't we? Is the curiosity about the non-core parts of the United Kingdom increasing?

[78] **Baroness Randerson:** I think people are being made aware of it really quite rapidly. I would say that ever since 23 June, people who thought that one vote and one total would solve the issue were rapidly disabused, I think, of that viewpoint when the complexities of the situation became obvious: a 'remain' vote in Northern Ireland with a First Minister who wanted to leave; 'leave' here and a First Minister who wants to remain; and in Scotland a different situation again. It is a very complicated situation and I do think that new people are listening to the reverberations that that is having.

[79] I do think that, actually, it isn't a lack of respect; it's a lack of knowledge and understanding. It's not that people are, in any way, deliberately dismissive or disrespectful; they just don't understand. They have no in-depth understanding, for example, of the situation of the Welsh language. As far as they're concerned, it's yet another language that is spoken in Britain. We know that its legal and cultural situation is very

different. So, people can make crashing errors out of sheer ignorance and lack of understanding. So, I do think it's a mission for everyone to make it more obvious to those people at this particularly difficult time.

[80] **David Melding:** Thank you.

[81] **Huw Irranca-Davies:** Thank you. I'm very conscious that you have important work to do in the other place up at the other end, so we want to let you get away well on time. But I wonder if I could just throw a couple of really quick things at you. We've discussed in some detail the JMC, and how it could work well, when it works well. What are your thoughts on taking it beyond the JMC to something like—and we've heard from other witnesses—a council of Ministers, where there are decisions taken and where there is a greater deal of parity as well in setting the agenda and the outcomes of that meeting? Do you think that would help in restoring some of this fabric of the constitution that we're talking about?

[82] **Baroness Randerson:** Well, you'd get that if you had a federal system.

[83] **Huw Irranca-Davies:** Can you do it short of a federal system?

[84] **Baroness Randerson:** Well, you've got to be careful. I am well aware that, in Canada, in the 1980s, they had real anguish with their First Ministers' meetings, and it was not a happy experience. You can only have meetings on a more formalised, joint-decision-making basis if you really have the powers to match it. And I think if you're not careful, you could have a halfway house that doesn't really work. Having said all that, I think that one of the key things we face now is making sure that Wales has a proper say in the leaving the EU process. And you've got, therefore, to fight in order to get some element of decision-making power in that process, while respecting the Supreme Court judgment.

[85] **Huw Irranca-Davies:** Which takes me to my final point. It's on the note of optimism that you had about the current cognisance that is made of the devolved nations and the regions as an entity, because of the situation we're currently in. On that basis, what do you think works more effectively? Does traditional diplomacy between governments—that behind the scenes, the informal, the bilaterals—does that work better than megaphone diplomacy? One of the interesting things that we often worry over in this place is should we shout louder and much more publicly in the hope that we're taken more seriously right across Whitehall. Or is it better to pursue those soft grinding,

slow ways of the internal mechanisms of Whitehall, and here as well? What do you think works?

[86] **Baroness Randerson:** I'm afraid you've got to do both at once. You have to make sure that your behind-the-scenes diplomacy continues and remains positive—is not abrasive and aggressive, but positive and persuasive. But if you don't keep up the rhetoric, then you are not going to be setting the tone, and to be honest, the Government's got quite a lot on its plate at the moment. If the points are not being made fairly forcibly, they are not going to be choosing to hear them, I believe, simply because they are torn in every direction in order to achieve what they need to achieve in the next couple of years. But if I could just make one final point, which is that, throughout all this, bear in mind that the personal relationships are always the most effective—the good things. And going back to when I was in the coalition Government—the UK coalition—the relationship, for example, between Danny Alexander and Jane Hutt, which led very directly to getting a financial fiscal framework—that sort of thing is what really pays off well.

15:00

[87] **Huw Irranca-Davies:** Thank you very much. Is there anything you think we haven't covered that you'd like to cover with us?

[88] **Baroness Randerson:** No, I think not.

[89] **Huw Irranca-Davies:** Well, thank you. I think I can speak for all of us in saying that it's been a very, very useful session indeed. Thank you for your insight and for sharing your experience with us. We'll send a transcript to you so that you can check it over, but if there is anything else you'd like to add subsequently, please get in touch with us. But thank you so much and we wish you a good journey back up to the big city up there.

[90] **Baroness Randerson:** Diolch yn fawr.

[91] **Huw Irranca-Davies:** Diolch yn fawr iawn. Good. Now, we'll come back to that a little bit later.

15:01

**Offerynnau nad ydynt yn Cynnwys Unrhyw Faterion i'w Codi o dan Reol Sefydlog 21.2 neu 21.3**

**Instruments that Raise No Reporting Issues under Standing Order 21.2 or 21.3**

[92] **Huw Irranca-Davies:** So, if we can move ahead, with your consent, to the next item on the agenda, item No. 3. We have instruments that raise no reporting issues under Standing Orders 21.2 or 21.3. We have, under paper 1, statutory instruments with clear reports. We have SL(5)070, the Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017, and we also have a negative resolution instrument, SL(5)072, the Care and Support (Choice of Accommodation, Charging and Financial Assessment) (Miscellaneous Amendments) (Wales) Regulations 2017. They are with clear reports, but I'm wondering do committee members have any comments on them, or are we happy to note?

[93] **David Melding:** Content.

[94] **Dai Lloyd:** Bodlon. **Dai Lloyd:** Content.

[95] **Huw Irranca-Davies:** Content. Thank you. Diolch yn fawr.

15:01

**Offerynnau sy'n Cynnwys Materion i Gyflwyno Adroddiad Arnynt i'r Cynulliad o dan Reol Sefydlog 21.2 neu 21.3**

**Instruments that Raise Issues to be Reported to the Assembly under Standing Order 21.2 or 21.3**

[96] **Huw Irranca-Davies:** In which case, we go on to item No. 4, instruments that do raise issues to be reported to the Assembly under Standing Orders 21.2 or 21.3. We have a negative resolution instrument there—SL(5)065, the Education Workforce Council (Accreditation of Initial Teacher Training) (Wales) Regulations 2017. Within our pack, we have the report, the regulations, the explanatory memorandum and the draft criteria, but, with your consent, I will just hand over to—. Is it Sam that is going to discuss? Yes. Sam, if you'd like to just make some comments on this.

[97] **Mr Mason:** Yes, it's just to say that these regulations follow on from the Education Workforce Council (Accreditation of Initial Teacher Training) (Additional Functions) (Wales) Order 2017, which I addressed the committee on a few weeks ago, which made reference to the accreditation criteria but didn't actually convey the substance of that criteria. The Chair raised this with the Cabinet Secretary in Plenary, all to do with issues of timing, and it was reaffirmed that the regulations would follow, which would then define the criteria, which have now been laid and came into force on 10 March. The criteria themselves weren't put on the face of the regulations, which, instead, via regulation 4, specified that Welsh Ministers could specify the criteria, which have then been published as a draft document and a separate document, which is available in your papers. One final point that I would like to note is that the Children, Young People and Education Committee is aware of this criteria and will be looking into the policy element of this.

[98] **Huw Irranca-Davies:** Very good. Thank you, Sam. It seems that we've pursued, with due diligence, our role within that, and that's a good response. So, if there are no comments, we can note that now and continue. There we are. Thank you very much, Sam. Thank you.

[99] **Mr Mason:** Thank you, Chair.

15:03

**Offerynnau nad ydynt yn Cynnwys Unrhyw Faterion i'w Codi o dan Reol  
Sefydlog 21.7(i) a 21.7(v)  
Instruments that Raise No Reporting Issues under Standing Order  
21.7(i) and 21.7(v)**

[100] **Huw Irranca-Davies:** That takes us on to item No. 5. We have instruments that raise no reporting issues under Standing Orders 21.7(i) and 21.7(v). We have a draft negative resolution instrument—SL(5)071, Code of practice on the exercise of social services functions in relation to Part 4 (direct payments and choice of accommodation) and Part 5 (charging and financial assessment) of the Social Services and Well-being (Wales) Act 2014. Now, this is not a statutory instrument but it is a piece of subordinate legislation, and we therefore consider it under Standing Order 21.7, but there are no reporting issues on this. So, are you content to note? There we are. We will note that.



15:04

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd  
o'r Cyfarfod**  
**Motion under Standing Order 17.42 to Resolve to Exclude the Public  
from the Meeting**

*Cynnig:*

*Motion:*

*bod y pwyllgor yn penderfynu unol â Rheol Sefydlog 17.42(vi).*

*that the committee resolves to exclude the public from the meeting in accordance with Standing Order 17.42(vi).*

*Cynigiwyd y cynnig.*

*Motion moved.*

[101] **Huw Irranca-Davies:** We move on to item No. 6 and a motion under Standing Order 17.42 to resolve to meet in private for item 7. If you're content, we can meet in private. Thank you very much. Move to private session, please.

*Derbyniwyd y cynnig.*

*Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 15:04.*

*The public part of the meeting ended at 15:04.*

*Ailymgynullodd y pwyllgor yn gyhoeddus am 15:30.*

*The committee reconvened in public at 15:30.*

**Ymchwiliad Llais Cryfach i Gymru: Sesiwn Dystiolaeth 4**  
**A Stronger Voice for Wales Inquiry: Evidence Session 4**

[102] **Huw Irranca-Davies:** Wel, **Huw Irranca-Davies:** Good afternoon prynhawn da eto. again.

[103] Good afternoon again, and welcome to this continuing part of the session of the Constitutional and Legislative Affairs Committee on 13 March. We're delighted to be joined by an old colleague of mine, Elfyn Llwyd. You're

very welcome here today, indeed, and we're going to draw upon your experience this afternoon in this inquiry where we're looking at inter-institutional relations. Please feel free to divert from the questions if you want to bring in something additional during the course of it. You are very welcome, indeed.

[104] Now, I'm not going to lead off in this session; we're going to pass to my colleague here, Dai, who is going to lead the start. Take us away, Dai.

[105] **Dai Lloyd:** Diolch yn fawr, Gadeirydd, a chroeso i'r pwyllgor, Elfyn; mae'n hyfryd dy weld. Yn dy dystiolaeth, rwyd ti'n dweud taw prin ydy dealltwriaeth gweision sifil yn Whitehall o ddatganoli. Efallai y buaset ti eisiau ymhelaethu ar yr honiadau yna.

**Dai Lloyd:** Thank you very much, Chair, and welcome to the committee Elfyn; it's lovely to see you. In your evidence, you say that civil servants in Whitehall have a poor understanding of devolution. Could you perhaps expand on those assertions?

[106] **Mr Llwyd:** Oes. Ac rydw i'n meddwl mai un o'r enghreifftiau sydd yn dangos hynny yn y goleuni gorau ydy—rydw i'n sôn amdano wrth basio yn y nodyn yma—pan ddaru'r Adran Gyfiawnder ddanfôn holiadur—ymgyngoriad oedd o—rownd cyfreithwyr Cymru a Lloegr yn ymwneud â newid y dull yr oedd cymorth cyfreithiol yn cael ei ddosrannu, fe ddaeth y ddogfen ymgynghorol honno allan yn uniaith Saesneg, a dim ond ar ôl cryn gwyno yn San Steffan ac yma wrth gwrs ddaru'r adran gyfiawnder sylweddoli nad oedden nhw wedi danfôn y peth yn ddwyieithog. Wrth gwrs, yr esgus oedd,

**Mr Llwyd:** Yes. I think one of the examples that demonstrate that best—I do mention this in passing in my note to you—was when the Department for Justice sent a survey—it was a consultation—to lawyers in England and in Wales and it related to the change in the way that legal aid was distributed, that consultation document was issued in English only, and it was only after a number of complaints both in Westminster and here did the Department of Justice realise that they hadn't sent that survey out bilingually. The excuse given was,

[107] 'Well, the Welsh language is a matter for the National Assembly for Wales, and it's not ours.'

[108] Wel, ydy, mae hynny'n gywir Well, yes that is true insofar as it

cyn belled ag y mae o'n mynd, ond fel rydw i'n trio nodi yn y papur, tra eu bod nhw yn tra-arglwyddiaethu ym materion cyfiawnder, mae'n fater iddyn nhw hefyd. Beth sydd yn drist ydy—ac rydw i'n cofio hyn—10 i 12 mlynedd yn ôl, yn rheolaidd, mi oedd y Swyddfa Gartref—ac roedd hyn cyn i'r Swyddfa Gyfiawnder gael ei chreu—a'r Arglwydd Ganghellor yn sicrhau bod dogfennau yn cael eu cyfieithu yn brydlon bob amser. Bob amser—nid oedd dim gwahaniaeth pa hyd oedden nhw. Yn wir, roedd yna un neu ddwy ffyrm cyfieithu yng Nghaerdydd yn gwneud yn dda iawn o hynny, a chwarae teg iddyn nhw. Erbyn rŵan, mae yna ormod o enghreifftiau lle nad ydyn nhw ddim, a dweud y gwir, yn cymryd unrhyw ddiddordeb mewn paratoi pethau yn ddwyieithog, sydd, yn fy marn i, yn dangos gwendid mawr yn y ffordd y maen nhw'n camdeall yr hyn sy'n digwydd o ran datganoli i Gymru a'r rôl sydd ganddyn nhw yn y broses honno.

[109] **Dai Lloyd:** Dyna ti; wel awn ni fewn i ddyfnder—. A allaf i ofyn, Gadeirydd, i'r clustffonau gael eu symud? Achos mae'n cyfieithu yn amharu ar y ffordd rydw i'n meddwl a, Duw a wŷr, sut mae Elfyn yn meddwl.

[110] Felly, ar y diffyg dealltwriaeth yma, Elfyn, a wyt ti'n credu ei fod e'n waeth yn nhermau Cymru i gymharu efo'r Alban a gwasanaeth sifil Gogledd Iwerddon, neu a ydy'r

goes, but, as I note in my paper to you, whilst they dominate issues of justice, it's also an issue for them. What is sad—and I remember this myself—some 10 to 12 years ago, regularly the Home Office—and this was before the Department for Justice was created—and the Lord Chancellor regularly would ensure that documents were always translated in a timely manner. Always—it didn't matter what length they were. Indeed, there some translation firms in Cardiff doing very well from that, and fair play to them. But now there are far too many examples where they don't take any interest in preparing bilingual materials, which, in my view, demonstrates a major weakness in the way they misinterpret what is happening in terms of devolution to Wales and the role that they have in that process.

**Dai Lloyd:** Well, we'll go into further depth—. Can I ask the Chair if the headsets could be moved a little? Because the interpretation does affect the way that I think, and it's probably having a similar effect of Elfyn, as well.

So, on this lack of understanding, Elfyn, do you believe that it's worse in Wales's case as compared to Scotland and the civil service in Northern Ireland, or is there the same

cymaint o ddiffyg dealltwriaeth hefyd yn berthnasol i'r Alban a Gogledd Iwerddon ag ydyw i Gymru?

[111] **Mr Llwyd:** Cyn ateb y cwestiwn hynny, wrth gwrs, mae'n rhaid i ni edrych ar sefyllfa ddatganoledig y ddwy wlad arall. Yn yr Alban, wrth gwrs, mae yna system gyfreithiol wedi bod yna ers canrifoedd. Mae yna system addysg ers canrifoedd, a llawer i wasanaeth arall wedi ei ddatganoli ers blynyddoedd lawer, yn ôl i 1707 ac yn y blaen. Yn yr un modd, wrth gwrs, mae'r Stormont wedi bod ar ei draed—a ddim ar ei draed, ac ar ei draed, a ddim ar ei draed—ers degawdau a chenedlaethau hefyd. Felly, yn erbyn y cefndir hwnnw, rydych chi'n gorfod edrych ar ble rydym ni rwan, y ddemocratiaeth newydd yma yng Nghymru. Oedd, mi oedd yna swyddfa Gymreig, ond nid yw'n ddim byd tebyg i'r ddemocratiaeth newydd sydd yn yr adeilad yma.

[112] Felly, i ateb eich cwestiwn chi, rydw i'n meddwl bod y gwledydd eraill wedi cael gwell cyfle i gyd-drafod ac i geisio sicrhau bod y ddwy ochr, os caf i ddefnyddio'r term yna, yn deall ei gilydd, ac ein bod ni rwan megis dechrau fel gwirionedd. Ond yn erbyn hynny, mae'n rhaid i mi ddweud hefyd, fod gwledydd—. Wel, pan roeddwn i ar y Pwyllgor Dethol Cyfiawnder, rhan o'n gwaith ni oedd sicrhau llywodraethu da yn y tiriogaethau tramor megis Ynysoedd y Sianel, Ynys Manaw, ac yn y blaen.

lack of understanding in relation to Scotland and Northern Ireland as there is in relation to Wales?

**Mr Llwyd:** Before I answer that question, of course, we have to look at the situation of the other two devolved nations. In Scotland, there's been a separate legal system for many centuries. They've had their own education system also for centuries, and a number of other services have been devolved, going back to 1707. Likewise, Stormont has been up and running—and not up and running, and so on and so forth—for many decades and generations. So, against that backdrop, you have to look at where we are now as a new democracy here in Wales. Yes, there was a Welsh Office, but it's nothing like the new democracy in this building.

So, to answer your question, I do think that the other nations have had a better opportunity to discuss and to ensure that both sides, if I can use that term, do understand each other, and that we are just at the starting point now. But, I should also say that—. Well, when I was a member of the Justice Select Committee, part of our remit was to ensure good governance in the foreign territories, such as the Channel Islands, the Isle of Man, and so forth. I visited them on a number of occasions. One of the

Mi es i yno sawl tro. Roedd un o uwch-gyfreithwyr Jersey, neu'r prif gyfreithiwr, yn cwyno yn ofnadwy rhyw dro eu bod nhw'n danfon Mesurau drafft i Lundain a'u bod nhw'n diflannu lawr rhyw dwll diwaelod. Wrth gwrs, beth oedd yn gwneud pethau'n waeth iddyn nhw, oedd bod economïau Ynysoedd y Sianel, i raddau helaeth a dweud y gwir, yn dibynnu ar y farchnad arian, buddsoddiadau, ac yn y blaen. Fel yr ydym ni i gyd yn gwybod, pan fyddwch chi'n gwneud newid yn y maes hwnnw, mae'n rhaid i chi ei wneud o yn gyflym, neu rydych chi'n mynd i golli unrhyw fantais ar y farchnad fyd-eang, ac yn y blaen.

chief lawyers in Jersey complained bitterly on one occasion that they would send draft Bills to London and they would disappear down some black hole. Of course, what made things worse for them was that the economies of the Channel Islands to a great extent were reliant on the financial markets, investments, and so on. We all know that, when you make changes in that area, you have to do it swiftly or you're going to lose any benefits in terms of the global market, and so on.

[113] Felly, mae yna sawl enghraifft lle maen nhw, yn y blynyddoedd diwethaf yma, wedi gorfod cyfreitha hefyd, lle nad ydyn nhw'n cael cyd-ddealltwriaeth briodol efo San Steffan.

So, there are a number of examples where they, over the past few years, have had to go to law, where they don't actually see that appropriate joint understanding with Westminster.

[114] **Dai Lloyd:** Sut wyt ti'n credu, felly, y gallem ni newid y sefyllfa yma?

**Dai Lloyd:** So, how do you believe we could change this situation?

[115] **Mr Llwyd:** Wel, rydw i'n meddwl bod angen rhagor-. Buaswn i'n tybio y byddai'n beth da iawn i gael seminarau cyd-rhwng gweision sifil Llywodraeth Cymru a'r Cynulliad yma a Llundain, a bod yna drafodaethau selog, aml rhwng unigolion fel eu bod nhw'n deall ei gilydd, a bod yna amser priodol yn cael ei roi i mewn i bethau fel hyn, ac yn dwyn i mewn pobl ddysgedig yn y

**Mr Llwyd:** Well, I would have thought that it would be very positive to have joint seminars between civil servants in the Welsh Government and the Assembly and civil servants in London, and that there were regular discussions between individuals so that they understand each other, and that appropriate time is given to these kinds of initiatives, bringing in people who are learned in this area,

maes, megis pobl sydd yn UCL, a hefyd bobl fel yr Athro Richard Wyn Jones, ac yn y blaen, er mwyn symud ymlaen ac er mwyn sicrhau bod pobl yn deall beth ydy rôl yr unigolion—eto, os caf i ei ddefnyddio fo—ar y ddwy ochr.

[116] Ychydig iawn o hynny sydd wedi digwydd. Rydym ni'n gwybod, er enghraifft, fod yna system o ddirprwyo a bod pobl yn mynd o Gaerdydd i San Steffan am gyfnod ac yn y blaen, ac nid ydw i'n siŵr ei fod yn gweithio yn y ffordd arall. Ond y perig efo hynny ydy, wrth gwrs, mai arferion San Steffan sy'n cael eu dysgu, os mai dyna'r ffordd briodol o'i roi o. Rydw i'n sicr bod yna lawer i arferiad da yn San Steffan, ond cwestiynu ydw i a ydy nhw'n addas ar gyfer y ddeddfwrfa arbennig yma. Yn anffodus, nid ydw i'n meddwl eu bod nhw.

[117] Felly, mae angen trawsnewid y ffordd y mae'r cysylltiad yn digwydd. Mae angen, yn fy marn i, cael pobl i ddod i nabod ei gilydd a nabod eu ffyrdd, a nabod y ffordd y maen nhw'n gweithio, er mwyn symud ymlaen i sicrhau ein bod ni'n gallu gwneud y gorau dros Gymru trwy'r ddemocratiaeth newydd sydd yn y fan hon.

[118] **Dai Lloyd:** Diolch. Wel, yn dilyn hynny, hefyd yn dy bapur rwy'ti'n dweud bod angen amynedd er mwyn newid diwylliant. Pa mor sicr wyt ti bod modd newid y diwylliant o gofio

such as those at UCL and, of course, people like Professor Richard Wyn Jones, and so on, so that we can move forward and ensure that people understand the role of the individuals on both sides, if I can use that term again.

There's been very little of that happening. We do know that there is a system of secondments and that people do go from Cardiff to Westminster. I'm not sure if it happens vice versa, but the danger there is that the practices taught are those of Westminster, if that's the appropriate way to put it. I am certain that there is much good practice in Westminster, but I would question whether it is appropriate for this particular legislature. Unfortunately, I don't think it is.

So, we do need to transform the way in which the link is made. In my view, we need to get people to know each other and to know their ways, and to know how they work, in order to move forward and ensure that we do our best for Wales through this new democracy that we have in this place.

**Dai Lloyd:** Thank you. Following on from that, also in your paper you say that patience is required to change culture. How certain are you that that culture change can happen when

mai prin fu'r newid dros yr 20 mlynedd diwethaf?

[119] **Mr Llwyd:** Wel, nid ydw i ddim yn berson amyneddgar, mae'n rhaid i mi gyfaddef. Er fy mod i'n licio pysgota, mae fy ngwraig i'n methu deall sut ydw i'n gallu pysgota a minnau efo cyn lleied o amynedd. Ond i ateb y cwestiwn yna, wrth gwrs mae'n mynd i gymryd amser, ond drwy gymryd mesurau, am wn i, tebyg i'r hyn yr oeddwn i'n ei grybwyll rŵan, fel bod yna well gysylltiad rhwng Llundain a Chaerdydd a bod yna fwy o ddelio yn bersonol, os liciwch chi, buasai hynny'n help. Nid ydy 20 mlynedd i newid diwylliant yn ddim, nac ydy? Nid ydy o'n ddim. Nid ydy o'n syndod i mi nad oes lot wedi digwydd. Ond mae'n bryd i rywbeth ddigwydd mewn gwirionedd, ond amser y ddengys. Ond rydw i'n eithaf sicr, i newid diwylliant, nad yw 20 mlynedd yn llawer o amser.

[120] **Dai Lloyd:** Wel, y cwestiwn olaf oddi wrthyf i: hefyd yn dy bapur rwyd ti'n dweud—fel yr wyt ti wedi crybwyll eisoes—y dylid darparu hyfforddiant gwell i weision sifil. A wyt ti eisiau ymhelaethu ar ryw weledigaeth yn y fan yna?

[121] **Mr Llwyd:** A gaf i bwysleisio rŵan hyn nad ydw i ddim yn golygu sarhad na bwrw sen ar unrhyw was sifil yng Nghaerdydd? Nid dyna'r bwriad o'r hyn yr ydw i wedi'i ddweud. Beth rydw i'n trio dweud ydy

there seems to have been such little change in 20 years?

**Mr Llwyd:** Well, I'm not a patient person, I have to admit. I do enjoy fishing, but my wife simply can't understand how I can enjoy fishing when I have so little patience. But to answer that question, of course it's going to take time, but by taking steps such as the ones I've just mentioned, in relation to better engagement between London and Cardiff and more personal interaction, that would be of assistance. Because 20 years in terms of culture change is nothing at all, is it? It's no surprise to me that little has happened, but it is time for something to happen now. Time will tell, of course, how things will develop, but I am quite sure that, in terms of culture change, 20 years is no time at all.

**Dai Lloyd:** Well, the final question from me: also in your paper—and you've already mentioned this—you say that better training should be provided for civil servants. Could you expand on your vision in that regard?

**Mr Llwyd:** May I emphasise at this point that I don't mean to insult any civil servant in Cardiff? That was certainly not my intention. What I am saying is this: if we are to ensure that we have teams of qualified civil

hyn: er mwyn sicrhau bod gennym ni dimoedd o weision sifil cymwys—ac mae yna amryw ohonyn nhw yma'n barod, rydw i'n gwybod—ond er mwyn sicrhau at y dyfodol fod gennym ni broffesiwn o'r fath, sef, gweision sifil Cymreig a Chymraeg yma yng Nghymru, rydw i'n meddwl ei bod hi'n hanfodol ein bod ni'n cael—. Er enghraifft, petasai yna gwpl o brifysgolion yng Nghymru yma'n dod at ei gilydd a gwneud bid am arian a chreu cwrs gweision sifil Cymreig, a thrwy hynny yn creu dyfodol i bobl fel eu bod nhw'n gyfforddus, yn aros yno o'r dechrau i'r diwedd, ac nid efallai yn cael eu secondio yma ac acw. Mae eu dulliau gweithredu nhw yn y fan hyn yn wahanol, am wn i, i bob deddfwrfa arall yn ynysoedd Prydain. Felly, mae'n briodol i gael rhywun felly.

[122] Un arall o'r pethau roeddwn i wastad yn rhygnu ymlaen amdano fo oedd bod angen i rywun mewn rhyw brifysgol yng Nghymru gadw rhyw fath o gatalog o'r Deddfau newydd. Rwy'n practisio fel bargyfreithiwr mewn cyfraith teulu. Os nad ydych chi'n ymwybodol o'r cyfreithiau Cymreig, nid ydych yn mynd i allu gweithredu. Os caf i ddweud hefyd, mae'r Ddeddf, y *well-being Act*, yn llawer mwy defnyddiol ac, i mi, yn llawer gwell o ran rheoleiddio nac ydy hi i'n cyfeillion dros y ffin. Mae hwnnw'n cael ei gydnabod fel darn o waith da iawn, os caf i ddweud, tra rwyf yma.

servants—and I know that there are many of them here already—but in order to ensure that, for the future, we do have such a profession in place, namely a Welsh civil service here in Wales, then I think it's crucial that we have—. For example, if a few universities in Wales were to come together and make a bid for money and create a course for Welsh civil servants, thereby they could create a future for individuals so that they can see a career path from start to end, rather than being seconded here, there and everywhere. The modus operandi here is different, I would suppose, to every other legislature in the British Isles. Therefore, it's appropriate to have someone like that.

Another thing that I constantly went on about was that there was a need for someone in some university in Wales to keep some sort of catalogue of the new legislation. I am a practising barrister in family. If you are not aware of the Welsh laws, then you are not going to be able to operate effectively. If I may also say, the well-being Act is far more useful and, for me, is a far better regulator than exists across the border. It is recognised as a very good piece of work, if I may say that, while I am here.



[123] Felly, rwy'n meddwl ei bod hi'n bwysig iawn i gael y cwrs yna wedi'i deilwra yn arbennig ar gyfer creu proffesiwn gwasanaeth sifil Cymreig a Chymraeg. Os caf i ddweud hefyd, mae gennyf sawl cyfaill yn y ddau Dŷ yn Llundain sy'n cytuno, er eu bod mewn pleidiau eraill. Ac mi fedraf ddweud wrthy ch ar goedd bod yr Arglwydd John Morris yn gryf o blaid hyn hefyd. Rwy'n meddwl bod yr amser wedi dod rŵan i geisio perswadio rhywun i greu'r cwrs hwn.

So, I think it is very important to have that kind of course in place that would be tailored in order to create a Welsh civil service. If I may also say, I have a number of friends and colleagues in both Houses in London who would agree with me, although they are members of other parties. And I can tell you on the record that Lord John Morris is strongly in favour of this as well. I think that the time has come now to try to persuade someone to create this course.

[124] Roedd yna sôn am greu catalog o Ddeddfau—mae hynny yn digwydd yng Nghaerdydd, a diolch amdano fo. Mae'n bwysig eu bod nhw'n gwneud. Ond, wrth gwrs, mae hynny'n mynd â fi ymlaen at ryw bwnc arall rwyf wedi bod yn dadlau amdano fo. Rwyf wedi bod o flaen y pwyllgor yma o'r blaen yn sôn am—mae'r cyn-Gadeirydd yn fanna yn edrych arnaf i—gael system gyfreithiol i Gymru. Mater o amser ydy hwnnw. Mae'n siŵr o ddod. Mae'n rhaid iddo fo ddod. Y cwestiwn ydy pryd?

There was talk about creating a catalogue of Acts—that does take place in Cardiff, thank goodness. It is important that they do. But, of course, that takes me on to another issue that I've been arguing about. I have appeared before this committee in the past discussing—and the former Chair there is looking at me—getting a separate legal jurisdiction for Wales. That's a matter of time. It has to come. The question is when?

[125] Ond, i ateb eich cwestiwn ar beth ddylai ddigwydd—ac nid wy'n bwrw sen ar unrhyw was sifil: creu proffesiwn gwasanaeth sifil Cymreig y bydd pobl yn falch o fynd iddo fo a bod ynddo fo ar hyd eu hoes, os liciwch chi, a dringo i fyny'r ysgol, fel mae amser yn rhoi cyfle iddyn nhw.

But, to answer your question on what should happen—and I don't mean to insult any civil servant in saying this: we need to create a Welsh civil service that people would be proud to enter and to see a career path developing for them and climbing up the ladder as time progresses.

[126] **Dai Lloyd:** Diolch yn fawr. Diolch, Gadeirydd.

**Dai Lloyd:** Thank you. Thank You, Chair.

[127] **Huw Irranca-Davies:** Just on that, Elfyn, the issue of a training vehicle with the universities or elsewhere for a Welsh civil service, does a similar entity exist, to your knowledge, at the moment, in Scotland or elsewhere?

[128] **Mr Llwyd:** Not to my knowledge in Scotland. I don't know about Northern Ireland, I must be honest. But I think it is overdue because the way things happen here—my perception is it's slightly different from other countries within the UK. Therefore, you need to have it tailored to your end. I'm sure, given the number of good universities that we have in Wales, that if two of them have the—how can I put it—vision to do it, I'm sure it would be a very, very positive step forward. I'm sure it would attract funding as well, and I'm sure it would attract good students in no time at all.

[129] **Huw Irranca-Davies:** That's very interesting. Could I ask, Elfyn, in your submission to us, which we're very grateful for, you touched on this issue of the 'we know best'—as I think you phrased it in your paper—attitude in the corridors of Westminster. One of the things that we've had raised in our citizens panel—we've pulled together half a dozen people of different backgrounds to discuss this—they've raised the issue of mutual respect, which they would like to see, which they would assume existed. What is your take on the levels of respect between institutions, as it is today?

[130] **Mr Llwyd:** It's nothing like equality of respect, and that's what it should be. After all's said and done, it's a form of partnership. Devolution is a form of partnership, isn't it? But it's not peculiar to Wales, I have to say. I referred in passing to the Channel Islands and I'm sure there are considerable misgivings in the Isle of Man as well. So, the conclusion that I come to is that you may get some individuals in Westminster who might buy into the idea of being helpful, but you'll get many more who will not. I regret saying that, but I think it's true. From my experience, I have seen it. I wouldn't say that people were intentionally putting the brake on matters, but they certainly weren't trying to move matters forward in good time, as it were.

15:45

[131] **Huw Irranca-Davies:** So, with your long experience, if one of the models that you would suggest in terms of the civil service might well indeed be a Welsh school of civil service, what sort of mechanisms would you put in place, beyond the relying on the luck of the individual—the right individuals

coming forward—to ensure that that greater understanding between Ministers, between Government Ministers, actually happened on a more regular basis?

[132] **Mr Llwyd:** Yes, well, I'm of the opinion that—. I would be delighted, first of all, if that were to happen—that we have that school for civil servants—but that then—. You raised the question of liaison between Government Ministers. I think it's vital that there should be liaison between Government Ministers as well, because we all know—and putting it in the vernacular, if you like—if you know the face on the other side of the phone, it's very often easier to get things done. There is no reason at all why there should not be regular meetings between Ministers who carry similar briefs in London, in Cardiff and, indeed, elsewhere. I think, again, that that is a problem because it doesn't seem—. People are almost in silos, and they're not actually disseminating their information, but nor are they accepting information from other places. So, there needs to be a better flow—a better dialogue, it seems to me, anyway—between this side of the M4 and the other side.

[133] **Huw Irranca-Davies:** I wouldn't want to pre-empt some dialogue we might get into in a moment, but there are some mechanisms to do that already. If you look on a sheet of paper, and I said to my colleagues here, 'Give me one page of A4 on the mechanisms that currently exist to make sure that that inter-governmental, inter-ministerial engagement happens', then we could cite off the ways in which it could happen and should happen. We have the JMCs, and we have—at least on paper—the bilaterals, and this and that—

[134] **Mr Llwyd:** Yes, and we also have the British-Irish parliamentary body, and I served on it for five or seven years, or whatever it was.

[135] **Huw Irranca-Davies:** Indeed.

[136] **Mr Llwyd:** In a way, yes, that's fine, but I think you need a more structured approach, to be honest. Because it's all very well meeting friends from Ireland, Isle of Man and all of the other constituent parts of the UK every now and then. That's good, but I think you need a more structured, regular dialogue so that things don't actually disappear under the radar unintentionally.

[137] **Huw Irranca-Davies:** Just one more follow-up there before I bring in

Dafydd here. Whatever that mechanism is of meeting—or mechanisms of regular meeting—whether it’s on themes or major constitutional issues, how much of it, do you think, should be to do with just running the thing, the maintenance of our constitutional arrangements, as opposed to—? We had an interesting session here earlier, where we were talking about the role of these mechanisms to actually show leadership as well, to be slightly ahead of the game, to anticipate where there might be problems and to put in place things that would resolve those problems before they happen, including on constitutional things? Would you see this inter-governmental, inter-ministerial dialogue as simply being maintenance of or leadership of?

[138] **Mr Llwyd:** I would see both, in a way, but more importantly leadership of, and hopefully, building towards the future by getting a good dialogue by coming to better understandings. For example, there are many subjects, aren’t there, that are cross-border and would affect a person, whichever side of Offa’s Dyke he or she resides? It’s important that we do have that close dialogue on those things. I think, in terms of leadership, merely oiling the wheels I don’t think is good enough, because that’s really like the status quo I described. The British-Irish Inter-parliamentary Body was a fine body to be a part of, but it hasn’t left a great deal for us to build on, to be honest. There are some important debates, obviously, in every sitting, but it doesn’t leave a lasting, huge amount of—how can I put it? It doesn’t actually assist in terms of any sort of leadership or anything else, I don’t think.

[139] **Huw Irranca-Davies:** Okay. Dafydd, over to you.

[140] **Yr Arglwydd Elis-Thomas:** **Lord Elis-Thomas:** Thank you very Diolch yn fawr, Gadeirydd. A diolch yn fawr i ti am ymddangos gerbron y pwyllgor yma unwaith eto. A gaf i ddweud bod gennym ni ddiddordeb arbennig yn y berthynas rhwng adroddiadau sydd yn cael eu cynhyrchu, rhai ohonyn nhw’n cael eu comisiynu gan Lywodraeth y Deyrnas Unedig, a rhai ohonyn nhw yn deillio o’r fan hyn, a sut mae hynny’n dylanwadu ar y broses? Rwy’n sôn am gomisiwn Silk i ddechrau. Beth ydy dy olwg di ar y modd y gwnaeth Llywodraeth a Senedd y Deyrnas much, Chair. And thank you for appearing before this committee once again. May I say that we have a particular interest in the relationship between reports that are produced, some of them commissioned by the United Kingdom Government, and some of them emanating from this place, and how that influences the process? I’m talking about the Silk commission initially here. What is your view of the way in which the UK Government and Parliament dealt with this report and the results that

Unedig ymdrin â'r adroddiad yma a'r stemmed from it?  
canlyniadau a gafwyd?

[141] **Mr Llwyd:** Wel, mae'n rhaid imi ddatgan siom, a dweud y gwir, achos mi oedd adroddiad Silk yn waith da iawn, wedi cymryd blynyddoedd o gymryd tystiolaeth, o feddwl—lot fawr o feddwl y tu ôl iddo fo—ac mae jest derbyn rhai agweddau, rhai darnau ohono fo'n sy'n gyfleus—nid wyf yn meddwl bod hynny'n gwneud cyfiawnder â'r cyfanwaith mewn gwirionedd. Mi oedd yna bethau yn Silk y dylid bod wedi eu datganoli, yn fy marn i. Roedd yna dipyn bach o—nid oedd hi'n gwbl glir, cyn belled ag y mae'r system gyfreithiol—awgrym y dylai hi ddod o fewn hyn a hyn o amser. Ond yr heddlu, er enghraifft—mae'n hen bryd i'r heddlu, ac amryw bethau eraill—. Ac wedyn, jest i dynnu rhai pethau allan a'u rhoid nhw mewn Deddf a symud ymlaen a gadael y gweddill, nid wyf yn meddwl bod hynny wedi gwneud cyfiawnder â'r pwyllgor yna, y comisiwn yna, o ystyried yr holl waith a wnaethpwyd yn ystod y misoedd os nad blynyddoedd pan oedden nhw'n cymryd tystiolaeth ac yn penderfynu arni hi.

[142] **Yr Arglwydd Elis-Thomas:** A beth am y broses ryfedd, ddamweiniol yma, i'm golwg i, sef proses Dydd Gŵyl Dewi?

[143] **Mr Llwyd:** O, ie.

**Mr Llwyd:** Well, I must express some disappointment, if truth be told, because the Silk commission report was a very good piece of work, having taken a number of years in terms of evidence-gathering, and thought—there was a great deal of thought underpinning it—and just accepting certain aspects, certain sections that may be convenient—I don't think that that does justice to the work as a whole, if truth be told. There were things in Silk that should have been devolved, in my view. There was a little bit of a—it wasn't entirely clear in terms of the legal jurisdiction—but there was a suggestion that it should come after a period of time. But the police, for example—it's about time the police and a number of other things were devolved. So, just to cherry-pick certain parts and place them in legislation and move on and leave the rest, I don't think that that did justice to the work of that committee, that commission, given all the work put into it over the months and years that they gathered evidence and to decide on it.

**Lord Elis-Thomas:** And what about that strange, accidental process, in my view, the St David's Day process?

**Mr Llwyd:** Oh, yes.

[144] **Yr Arglwydd Elis–Thomas:** Beth oedd yr ymwneud ag arweinydd seneddol Plaid Cymru yn y sefyllfa yna?

**Lord Elis–Thomas:** What was your role as parliamentary leader of Plaid Cymru in that situation?

[145] **Mr Llwyd:** Wel, roeddem ni'n cyfarfod bob wythnos i 10 diwrnod. Roedd yna gynrychiolydd o bob un plaid yn San Steffan, ac roeddem ni'n mynd trwy—ymlaen llaw, byddem ni'n cael dogfennau yn sôn am y meysydd y byddem ni am eu trafod ar y diwrnod hwnnw. Ac wedyn, roeddem ni'n cyfarfod a mynd trwyddyn nhw, a phawb yn rhoid ei farn—'Rwy'n meddwl y dylid datganoli hwn'—ac roedd y ddatl yn mynd ymlaen. Lle yr oedd hi'n ddiddorol, wrth gwrs, oedd bod o leiaf un blaid yn dweud, 'Wel, yn ystod y trafodaethau hynny, nid ydym ni, er enghraifft, am weld datganoli'r heddlu', ac wedyn, dyna arweinydd Cymreig y blaid honno yn gafael yn ei ben pan glywodd o fod ei gynrychiolydd o wedi dweud 'na'. Ond mater bach ydy hwnnw, mae'n debyg, i ryw fath o gofnod hanesyddol ryw dro.

**Mr Llwyd:** Well, we met every week to 10 days. There was a representative from every party at Westminster, and we went through—beforehand, we would receive documents telling us which areas we were to discuss on any particular day, and then we'd meet and go through them, and everyone would express their views and say, 'Well, I think this should be devolved', and the debate would move on. Where it became interesting, of course, was that at least one party was saying, 'Well, during the negotiations, we're not content to see the devolution of policing', and then the Welsh leader of that particular party had his head in his hands when he heard that his representative had said 'no'. But that's a minor issue, I suppose, for some kind of historical record at some point in the future.

[146] Proses ryfedd, mewn ffordd, ond mynd trwy bob un maes efo potensial i gael ei ddatganoli, pawb yn lleisio ei farn, ac wedyn, nid oedd hi ddim cweit yn mynd i bleidlais fel yna, felly, ond nid oedd hi ddim yn bell ohoni. Os oedd yna unfrydedd, wel, wrth gwrs, roedd o'n mynd yn ei flaen.

It was a strange process, in a way, in that we would go through every area where there was potential for devolution, everyone would express their view, and then it didn't quite go to a vote by show of hands, but it wasn't far off. If there was unanimity, then, of course, it would move ahead.

[147] **Yr Arglwydd Elis–Thomas:** Ac

**Lord Elis–Thomas:** And if it was a

os oedd hi fel yna? [*Chwerthin.*]

thumbs down? [*Laughter.*]

[148] **Mr Llwyd:** Wel, ie, roedd hi'n wirioneddol Rufeinig, os dywedwn ni hi fel yna, ac mi oedd adegau pan oedd yna rannu barn yn llwyr, ac wedyn dod yn ôl a cheisio unfrydedd fel y buasai unrhyw bwyllgor dethol, os liciwch chi, gan geisio unfrydedd yr wythnos wedyn. Mi oedd yn broses go rhyfedd, a dweud y gwir, mae'n rhaid cyfaddef, ond beth oedd yn bwysig, wrth gwrs, oedd bod pawb yn—. Ac nid oeddem ni, yn od iawn, ddim i fod i adrodd yn ôl i'n pleidiau nes ein bod ni wedi cwblhau'r broses. A dyna i chi beth od oedd hynny, a dweud y gwir, achos digon hawdd oedd hi i ryw greadur fel fi gael y sac pe buaswn i'n dweud y peth anghywir.

**Mr Llwyd:** Well, yes, it was truly Roman in that sense, if we can put it like that, and there were times when there was complete disagreement, and then we would come back and try to seek agreement the following week, as any select committee may do. It was a strange process, if truth be told, I have to admit, but what was important, of course, was that everybody—. And, strangely, we were asked not to report back to our parties until the process had been completed. And that was very strange indeed, because it would be very easy for someone like me to be sacked if I said the wrong thing.

[149] **Yr Arglwydd Elis-Thomas:** O, mae wedi digwydd i ambell un ohonom ni. [*Chwerthin.*]

**Lord Elis-Thomas:** Well, it's happened to some of us. [*Laughter.*]

[150] **Mr Llwyd:** Mae'n ddrwg gen i. Nid oeddwn i'n trio mynd i lawr y ffordd yna. [*Chwerthin.*]

**Mr Llwyd:** I'm sorry. I wasn't going down that particular route by making those comments. [*Laughter.*]

[151] **Yr Arglwydd Elis-Thomas:** Na, na. [*Chwerthin.*]

**Lord Elis-Thomas:** No, no. [*Laughter.*]

[152] **Mr Llwyd:** Ond mi oedd yn beth od, achos, os ydych chi'n meddwl, roedd hi'n bwysig iawn bod y ffynonellau cydrhwng y pleidiau Cymreig, os caf i eu galw nhw felly, a'r pleidiau Llundainig yn gwbl agored trwy'r amser, ond dim ond tua diwedd y broses yr oedd yna

**Mr Llwyd:** But it was very strange, if you think about it, because it was important for the sources between the Welsh parties, if I can call them that, and those in the London parties to be completely open at all times, but it was only towards the end of the process that people were

gymell ar bobl i drafod yr hyn yr oeddem ni wedi dod i gael, ych chi'n gwybod, cydsyniad arno fo, felly, sy'n broses ddigon rhyfedd, a dweud y gwir.

[153] **Yr Arglwydd Elis-Thomas:** Rwyf i yn gwerthfawrogi'r dadansoddiad cliraf rwyf erioed wedi'i gael o'r broses yma, sydd yn awgrymu i mi na allwn ni ddim trystio neb byth o San Steffan i wneud dim byd efo datganoli yn y dyfodol. Efallai bod hynny'n rhy eithafol.

[154] **Mr Llwyd:** Nid wyf yn siŵr os ydy o, achos os gwnewch chi edrych ar y Ddeddf Cymru diwethaf yma, nid ydy o yn beth rŷm ni ei eisiau, mewn gwirionedd, os caf i fod yn hy. Mae yna lawer o ddiffygion ynnddi, ac rwy'n siŵr y bydd rhaid deddfu maes o law eto, i glirio.

[155] **Yr Arglwydd Elis-Thomas:** Roeddwn yn mynd i ofyn am hynny nesaf, oherwydd mae'n fy nharo i ynglŷn â'r Deddfau rŷm ni wedi'u cael yn 2014 a 2017 bod eu ffurfiau wedi gwella, yn enwedig bod gennym ni symud oddi wrth bwerau wedi'u gosod i bwerau wedi'u cadw yn y canol—felly, bod y lleill, mewn egwyddor a phosibilrwydd, yn ddatganoledig. Ond gan bod yr eithriadau yna—a bŷm i wrthi'n ddu-las yn trio dadlau'r dadleuon yma a dweud y gwir—mae syniad yma bod model datganoli i Gymru yn fodel rŷan sydd yn debyg i'r Alban a Gogledd Iwerddon, ond mae cynnwys

encouraged to discuss those issues on which we had agreed, which is a very strange process, if truth be told.

**Lord Elis-Thomas:** I appreciate what is the clearest analysis I've ever had of this process, which suggests to me that we can't ever trust anyone from Westminster to do anything with regard to devolution in the future. Perhaps that is too extreme.

**Mr Llwyd:** I am not sure that it is, because if you look at the most recent Wales Act, it's certainly not what we wanted, if I can be bold. There are a great many weaknesses and I do think that we will need to legislate again in due course again in order to clear things up.

**Lord Elis-Thomas:** I was going to ask about that next, because it strikes me that, with regard to the legislation that we've had in 2014 and 2017, their formats have improved, especially in that we've seen a move away from conferred to reserved powers—therefore, that the others in principle and possibly are devolved. But because these reservations exist—and I've been trying to put these arguments forward until I'm blue in the face with regard to these issues—there is this idea that the model of devolution for Wales is a model now that is similar to Scotland and Northern Ireland, but



y model yn filltiroedd gwahanol.

the content of the model is miles apart.

[156] **Mr Llwyd:** Ydy. Ac i'r rheini—nid wyf yn cynnwys neb yn y fan hyn—sy'n meddwl bod problemau megis gorfod mynd i'r Goruchaf Lys wedi gorffen oherwydd y Ddeddf yma, wel, nid ydy o'n wir. Yn fy marn i, mae'n mynd i ddigwydd eto. Mae yna bethau o fewn y Mesur yna sydd yn rhy gymhleth ac rydych yn dal mewn sefyllfa—hyd yn oed pobl fel ni, sydd wedi arfer â darllen Deddfau—lle bydd pobl yn meddwl, 'Ydy hwnnw wedi'i ddatganoli'n llwyr?'. Yn fy marn i, gellid fod wedi gwneud rhywbeth llawer symlach i gwrdd â'r anghenion ac rwyf yn meddwl yn sicr y bydd rhaid, yn anffodus, deddfu eto yn ystod y blynyddoedd nesaf, beth bynnag ddaw o Brexit.

**Mr Llwyd:** Yes. And for those—and I don't include anyone here—who think that problems such as having to go to the Supreme Court will be a thing of the past because of this legislation, well, that's certainly not the case. In my view, it's bound to happen again. There are things within that Act that are far too complex and you are still in a situation—even people like us, who are used to reading Acts—where you're asking, 'Is that a completely devolved matter?'. In my view, it could have been done in a far simpler way in order to meet the needs and I certainly feel that, unfortunately, we will have to legislate again over the next few years, whatever emerges as a result of Brexit.

[157] **Yr Arglwydd Elis-Thomas:** A dyna oedd fy nghwestiwn olaf—

**Lord Elis-Thomas:** And that was my final question—

[158] **Huw Irranca-Davies:** I was just going to say, before you continue, I wonder if I can ask, on the process of it—. Because our committee produced its report on our views on the Wales Bill, but the fascinating thing for us in terms of this inquiry is that, if you were to go back to this—and we're asking people who were involved with it or who observed it at very close quarters and in close combat with it—what would you do differently?

[159] It strikes me that your description actually is very succinct and very vivid and it's probably the reality, as we go forward as well, because we'll have an ideal, and the Silk commission in a sense came out with an ideal of where we should be going. And yet, then there are many, many layers of political sieves that that have to be dripped through and each level catches something. It could be even different levels within the same party, as you alluded to. Is there a way in which, when we do constitutional reform—if

there is another opportunity to do constitutional reform in the set up that we currently understand the UK to be—is there a way that it could be done differently, which would capture some of the original nuggets of what was put forward by something that tried to stand above politics for all, but then got caught through those different sieves until all that was left was the rare nuggets? Is there a different way in the process?

[160] **Elfyn Llwyd:** I think there must be, because otherwise we'll be back in a semi-fudge situation every five or six years. I would argue that part of the way to unlock that is what I've said about the Welsh civil service. But, more importantly, perhaps, is the fact that the draft Wales Bill—the current one—came out at rather a late stage, full, as Dafydd has said, of an incredible number of exceptions and things that just, once more, make it over-complicated, if I may put it that way. So, if you ask me, 'Is it possible?', I am certain that civil servants of the highest calibre in Westminster and in Cardiff are quite able to produce legislation of a far more straightforward kind to hopefully bring forth the nuggets, as you say, of the Silk commission. The Silk commission itself, in one or two instances, was saying that we were not quite ready for this or that, but the time will come now when we will be ready for it, and surely it's not beyond the ken of anyone to be able to do that—to produce and to bring forward something that does reflect those nuggets, if you like.

[161] **Huw Irranca-Davies:** Although what I'm suggesting to you is that it might not be a different process. It might be the same process, but done differently, in the sense that if you look at a very practical illustration, something like policing, those closed discussions that were happening, could have, in a different world, in a parallel world, been resolved within that before the announcement was made. It could have in a different world, but it wasn't. Something went wrong there.

[162] **Mr Llwyd:** Yes, I take your point. I'm coming to your point now—sorry, I might have gone off on a tangent. It wasn't a very good process, and Dafydd has speculated, with a smile on his face, that perhaps it wasn't, to use these words, the cleverest of processes. Well, it wasn't; it clearly was not. And more to the point, it happened every week or 10 days, and this had to be done, that had to be done, because there was the political—with a small 'p', or maybe a large 'p'—imperative of making an announcement on St David's Day. My view is that it should have been St David's Day of the year after to get it right. That would have done. But what I would hope is that the next time around—and there's nothing wrong with legislation by

committee—two or three wise men from all the political parties come together, and they transact these things over a period of months, and not to be sworn to secrecy, but that that matter—. We could even have those discussions out in the open—not in a smoke-filled room, or a whatever-it-was-filled-with room in Westminster down in the dungeons there.

[163] **Huw Irranca-Davies:** Even Westminster doesn't have the smoking room anymore, I understand.

[164] **Mr Llwyd:** Not anymore.

[165] **Huw Irranca-Davies:** Dafydd, my apologies, I interrupted.

[166] **Lord Elis-Thomas:** It's all right. It strikes me that the new Bishop of St David's, Bishop Joanna, a wonderful woman, should preside over all of this at all times in the future.

[167] **Reit, un cwestiwn olaf. Lle ydyn ni'n mynd rŵan, yn dy farn di, ynglŷn â'r berthynas efo'r Undeb Ewropeaidd? Maen amlwg bod hyn yn rhywbeth y mae'n rhaid i ni ei ystyried fel pwyllgor. Maen ymddangos i mi, i roi'r peth yn gryno, bod Llywodraeth yr Alban yn mynd i gynnal refferendwm i alluogi yr Alban i wireddu eu penderfyniad yn y refferendwm ar yr Undeb Ewropeaidd, a'r refferendwm blaenorol i raddau hefyd, sef eu bod nhw yn gallu creu sefyllfa lle mae'r Alban yn parhau yn rhan o'r Undeb Ewropeaidd drwy adael y Deyrnas Unedig. Mae Gogledd Iwerddon wedi pleidleisio, yn annisgwyl i rai, ond nid mor annisgwyl â hynny, dros barhau yn yr Undeb Ewropeaidd. Mae hynny'n golygu y bydd y berthynas rhwng de a gogledd Iwerddon o reidrwydd yn cryfhau y berthynas gyda'r Undeb Ewropeaidd, ac mi fydd**

**One final question. Where are we going now, in your opinion, with regard to this relationship with the European Union? It is clear that this is something that we do have to consider as a committee. It appears to me, to put it succinctly, that the Scottish Government is going to hold a referendum to enable Scotland to fulfil its decision on the referendum on the European Union, and the previous referendum to some extent as well, and that they can create a situation where Scotland continues to be a part of the European Union by leaving the United Kingdom. Northern Ireland has voted, unexpectedly for some, but not that unexpectedly, I would think, to continue to be members of the European Union. And that means that the relationship between the north and south of Ireland will strengthen the relationship with the European**

Cymru a Lloegr, yr hen uned frenhinol Duduraidd draddodiadol yn rhedeg gweddill y Deyrnas Unedig. Felly, beth ydym ni i fod i'w wneud rŵan, Llwyd?

Union, and Wales and England, that old traditional Tudor unit, will be running the remainder of the United Kingdom. So, what are meant to do now, Llwyd?

[168] **Mr Llwyd:** Esgob annwyl. Faint o oriau sydd gennym ni y prynhawn yma? Yn syml iawn, y peth cyntaf ar y gorwel—. Yn gyntaf oll, nid wyf yn cuddio'r ffaith fy mod yn bryderus iawn am Brexit ac os ydy o yn mynd i ddiwydd neu beidio. Byddwn yn gobeithio y gwnaiff o ddim, ond dyna fo, gobaith yw hynny bellach, yn enwedig heddiw, gyda'r bleidlais yn mynd yn ei blaen heno. Ond mae yna hefyd, buaswn i'n tybio, Dafydd, gyfle i Gymru elwa. Ac wrth hynny, beth rwy'n meddwl yw y bydd yna gyfrifoldebau—bydd rhan o gyd-gyfrifoldebau Ewropeaidd yn dod yn ôl i San Steffan. Mae'n bryd felly, yn fy marn i, beth bynnag, i ni fod yn effro i'r alwad yna rŵan, ac i ofyn am y pethau yna i ddod yn eu holau i Gymru, neu i ddod i Gymru. Mae amaeth yn un enghraifft amlwg, ond mae yna lot o enghreifftiau eraill. A byddwn i yn gobeithio—ac rwy'n amau dim—y byddai'r Cynulliad Cenedlaethol a'r Llywodraeth fel ei gilydd yn gweld hynny fel sialens er mwyn sicrhau ein bod ni'n cryfhau yr hyn sy'n digwydd yn fan hyn drwy ddod â'r gwahanol feysydd yna yn uniongyrchol yn ôl i Gymru, yn hytrach na thrwy San Steffan unwaith eto. Dyna'r ffordd rydw i'n ei gweld hi. Ac os ydy hynny'n digwydd, yna mae o'n mynd i gryfhau'r hyn sy'n

**Mr Llwyd:** Well, how many hours do we have to cover that question? Very simply, the first thing—. First, I don't hide my concern about Brexit, and whether it happens or not. I would hope that it doesn't, but that perhaps is a forlorn hope, particularly today, with the vote that's taking place later this evening. But I would assume, Dafydd, that there is also an opportunity for Wales to benefit. And what I mean by that is that there will be joint European responsibilities that will be repatriated to Westminster. Well, it's time for us, therefore, to be aware of that, and to ensure that those things are repatriated to Wales, or come to Wales. Agriculture is a prominent example, but there are a number of other examples too. And I would hope—and I don't doubt that this is the case—that the National Assembly and the Government would see that as a challenge to ensure that we do strengthen this place by bringing those various areas of responsibility directly back to Wales, rather than being swallowed up by Westminster again. Well, that's how I see it. And if that does happen, then it will strengthen this place and it will enhance Welsh democracy. Therefore it is an opportunity in that regard, and I'm sure that there are plenty of

digwydd yn y fan hyn, buaswn i'n meddwl—dyfnhau democratiaeth Cymru. Felly, mae o'n gyfle, ac rydw i'n siŵr bod yna ddigon o bobl o fewn y sefyllfa yma yng Nghaerdydd yn effro i'r peth rŵan ac yn gweithio arno fo. Ond, yn sicr, mae yna gyfle i'w wneud o, rydw i'n meddwl. Liciwn i ddweud ei fod yn bosib i ni aros i mewn, wrth gwrs, ond ni fedraf i weld hynny yn digwydd. Ni fedraf i weld unrhyw broses gyfreithiol i hynny ddigwydd, gwaetha'r modd, ond mae hi, serch hynny, rydw i'n meddwl, yn sialens y dylem ni i gyd godi iddi hi. A mwya'n y byd y gwnawn ni drafod hynny rŵan, yn y misoedd nesaf yma, gorau'n y byd, rydw i'n meddwl.

people in Cardiff who are aware of this and working on it. But, certainly, I think there is a real opportunity to deliver it. I would like to say that we may be able to remain in the European Union, but I can't see that happening. I can't see that there's a legal process to allow that, unfortunately, but I do think it's a challenge that we should all respond to. And the more we discuss that over the next few months, then the better it'll be, I think.

[169] **Huw Irranca-Davies:** Very good, thank you. David.

[170] **David Melding:** Thanks, Chair. Elfyn, I'd like to talk about inter-parliamentary relations and, specifically, parliamentarians. You've made some interesting remarks about how officials could co-operate, but if you're looking at parliamentarians—. You referred to your former membership of the British-Irish Parliamentary Body, as it was when you were a member—'Association' as it's now called—and I think it's a fair summary of your views that you found that interesting and that it would be a very productive meeting, but it lacked a certain systematic, political visionary element. I think that would fair.

[171] **Mr Llwyd:** Yes.

[172] **David Melding:** Do we need a body that has that heft? I mean, is that what we should be aiming at, or is that too formal?

[173] **Mr Llwyd:** I think we do need a body where Ministers can liaise and can gain understanding and can appreciate each other's different standpoints. I think it's imperative, really, that we have—. And there is the council of Ministers—what's it called, the committee of Ministers, or—? The Joint

Ministerial Committee. But I think more work needs to be done to enhance that because, for the future, it becomes even more important, in my view. I'll just say one thing. I was on the British–Irish Parliamentary Body, and I don't know how it happened, but I was the main member and my deputy was one Alex Salmond, and when I walked into the first meeting, some of the Irish were beginning to think that I was something special. Within five minutes they soon realised I wasn't, but anyway, Alex was rather busy, as he would say, 'up the road'. To answer your question, I do think that, yes, I see no reason why we shouldn't have that body, because it's a good way of getting to know people, getting to appreciate the problems, and so on and so forth. But I think there is a need for more regular ministerial meetings, and that's not in any way to try and row back on any kind of devolution—quite the reverse. It's to row forward.

[174] **David Melding:** So, if the JMC was revitalised and did have this sort of focus on the future and on how to, you know, lead the UK on, I suppose, and make it a more coherent entity, should there be a similar body on the scrutiny, parliamentary side of non–Government parliamentarians meeting? Do you think that would be helpful to share experience of work in the institutions, drafting law work in committees—?

[175] **Mr Llwyd:** Yes, yes I do. But I would just caution one thing. I remember some years ago—and I believe the Chairman was one of those who came here as well—we had a few joint meetings with the National Assembly, and there was a little bit of unease, as I recall, about what the heck we were doing there—were we there to try and stymie anybody's efforts—or whatever it was. It wasn't; it was the Welsh select committee, and we went there with an open mind. To answer your question: well, of course, I think you're right, because there are various forms of scrutiny in various legislatures within the UK, some of which are very good and some not so good. And you can learn from experience, and I see no reason why we can't pool our knowledge about how best to do things. And I agree with you, yes, it would be all to the good. In some ways—I'm not saying it of this institution, but, in some institutions, the problem is that the scrutiny is not deep enough and not detailed enough. I'm sure it's not the case here, but one can learn from other legislatures always. That's got to be right.

[176] **David Melding:** In many ways—Brexit is a very good example—thorough scrutiny needs working between institutions. I just wonder if you've seen many practical barriers to that kind of joint working, which is not—. Each institution is set up to be sufficient of itself generally and then, when

there's a need to work together, it depends a lot on personalities, sometimes. But have you seen particular barriers there that we might look at and perhaps come up with ideas—

[177] **Mr Llwyd:** On the issue of Brexit, I think it's going to be very complicated because there'll be so many opinions in so many corners about so many things that it's going to be very, very difficult to come to any kind of perceived wisdom about the way forward with many subjects. But, again, it doesn't prevent people from having an unofficial liaison about these things. That, obviously, would be good. I stress that I do think that there is here a challenge that the National Assembly and the Welsh Government can readily rise to, I believe, to repatriate certain obligations from Brussels straight back to Cardiff Bay, and I think that would be to the good. I think it will be very difficult, because there will be so many competing factions, if that's the right word, when Brexit comes along. If it—well, it's likely to now, isn't it? But there will be some hidden agendas as well, I dare say.

[178] **David Melding:** We've talked quite a bit about the Wales Bill—the Wales Act now—and what you consider to be its shortcomings. I suppose in the process, when it was a Bill, one thing that did work quite well is that this committee, in the previous Assembly, had a joint scrutiny session with the Welsh Affairs Committee. I just wonder if you thought that was a particularly useful way of working.

[179] **Mr Llwyd:** I think it most definitely was and I spoke with some colleagues across the political spectrum about that and they were all—the Westminster people were all—of the same opinion, that it was a very, very useful way of doing things. I would certainly say that it could happen again, provided that it's always gone into on the basis of equality and equal respect from, as it were, both sides. I think that exercise did, according to the feedback I had, prove a good exercise and it could happen again, I'm sure. But it must not be seen as Westminster trying to in any way row back or clip the wings of this institution.

[180] **David Melding:** Perhaps building on that cultural point about mutual respect, we heard earlier from Baroness Randerson that this sometimes was quite a problem in Westminster, not through any sort of malign intent not to respect us, but there is this lack of knowledge or understanding. You've said a lot about civil servants needing to work together and I think, implicitly, those in London need to understand Wales a bit more—and vice versa, of course. Is there a task to do with Westminster politicians? For instance, MPs

from Essex shouldn't just say, 'Well, Wales is Wales, we can be completely disengaged.' How do we get that type of shift? Because it would be a big shift for some.

[181] **Mr Llwyd:** I would say most certainly there is and there's also, by the way, a need for Westminster Ministers to be brought up to speed as well. But there is a huge ignorance about what devolution actually amounts to. I say that not in an insulting way, but in the pure sense. There is a huge ignorance, because, for example, why should an Essex MP necessarily know about devolution? But it would be a very good thing if they were assisted by way of seminars or whatever it might be and brought up to speed because it is important that they should. It's no longer acceptable that they just say, 'Well, that's Wales, and so—you know, leave it alone'. It's not right, because currently, of course, devolution, as I said earlier, is a partnership, so they are a cog in that particular wheel, aren't they? So, 'yes', to answer your question. But Ministers also; there are lots of Ministers who are—well, I wouldn't say they're clueless, but the next best thing to clueless.

16:15

[182] **Lord Elis-Thomas:** These are in Westminster.

[183] **Mr Llwyd:** Of course they are, yes.

[184] **David Melding:** I think we've covered the final question in earlier discussions about the need for universities to be involved in all of this education and training.

[185] **Huw Irranca-Davies:** Well, Elfyn, it strikes me, both from the evidence you've given us today and previous sessions as well, that this is something of a never-ending task. No matter what mechanisms are in place and focus on the importance of individuals, as well, and their cognisance of devolution at both ends—cognisance of what's happening in Whitehall from this end and so on—ultimately, you have to keep on working on this. Now, one thing that strikes me: we had, from separate evidence, some thoughts around—. We, down here, in Westminster, in Scotland, in Northern Ireland, have scrutiny of thematic areas—we have scrutiny of the Wales Bill coming through this place; there was scrutiny up there of the Wales Bill. What we don't have is a collective scrutiny of how well we are doing constitutional stuff across the board. It just strikes me, as we enter into this leaving the European Union period, as we look at the uncertainty in Scotland and Northern Ireland at the



moment, it's an interesting area to say, 'Well, who scrutinises? How do we scrutinise the across-UK working of constitutional matters? How well is it going year by year? What have we done well? What have we done badly?'—not simply in constitutional reform, but the day-to-day running of constitutional matters. Do you have any thoughts on that?

[186] **Mr Llwyd:** Well, I do. There is no written constitution—we're all aware of that—and the constitution in the UK, such as it is, has always been ad hoc. It's been bolted on and taken off and bolted on again. So, in my view, there probably is a need for a pan-UK constitutional committee that could be drawn from this institution, from the north of Ireland, from Scotland and from England, to see how these things fit in. Because one of the unfortunate things about devolution is that the model in Wales is different from the model in Northern Ireland, which, in its turn, is different from Scotland, which again differs from Wales. There needs to be some kind of idea that—I'm not saying you could necessarily have equality across the board, because some places have been set up differently, but I think a strong, powerful, constitutional committee drawn from the various legislatures would be a very positive step forward, and such a recommendation, I'm sure, would be very helpful for the immediate future—Brexit et al. It really is, I think, important.

[187] **Huw Irranca-Davies:** Interesting, as well, is we haven't even touched on the London authority or the midlands and so on and interesting—you know, fragmentation and different types of devolution. And yet nobody looks at it in its entirety and says, 'Well, how well are those relationships going?' It's quite fascinating.

[188] **Mr Llwyd:** Yes. But there could be an interesting piece of work to see how you could—. I don't think you'll ever get all four legislatures—well, not in my lifetime anyway—to come to an equal position, almost, but I think we should aim towards that. There must be some low-hanging fruit every now and then that you could actually do it, and if you've got a standing committee looking at these things then that could be an avenue for doing it.

[189] **Huw Irranca-Davies:** Very interesting. Can I just ask colleagues whether they have any other questions for Elfyn in the last few minutes?

[190] **Lord Elis-Thomas:** No, I agree with him. Especially the last bit.

[191] **Huw Irranca-Davies:** Oh, right. Stop writing the recommendations now—hold on, hold on. [*Laughter.*] Elfyn, is there anything else that you'd

like to add that you think we haven't touched on?

[192] **Mr Llwyd:** Just that I'm very grateful for the invitation. I've become something of a non-political person, in a way, earning an honest crust in the courts now, but it's been a great pleasure to come here, and I'm grateful to you for the very respectful audience that I've had. If I can ever send anything of any conceivable use to the committee in the future, let me know.

[193] **Huw Irranca-Davies:** It's been very useful, Elfyn. Thank you very much. We will send you a transcript, as well, just in case we've notated anything wrongly. If you do have any further thoughts you want to send to us, please do. We thank you for your time. Keep an eye on the rest of the inquiry that we doing—we hope that it will be of some use. Certainly, one of the things that we've been told as well is to practice what you preach, to actually do that engagement and do that interrelationship between institutional work ourselves, and we are hoping to do that as well. So, thank you very much indeed, Elfyn.

[194] **Mr Llwyd:** Diolch yn fawr iawn. **Mr Llwyd:** Thank you very much.

16:20

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd  
o'r Cyfarfod**

**Motion under Standing Order 17.42 to Resolve to Exclude the Public  
from the Meeting**

*Cynnig:*

*Motion:*

*bod y pwyllgor yn penderfynu that the committee resolves to gwahardd y cyhoedd o weddill y exclude the public from the cyfarfod yn unol â Rheol Sefydlog remainder of the meeting in 17.42(vi).*

*accordance with Standing Order 17.42(vi).*

*Cynigiwyd y cynnig.*

*Motion moved.*

[195] **Huw Irranca-Davies:** Good, we're now slightly ahead of schedule, but, with your consent, under Standing Order 17.42, we can meet in private. We have consent for that, so we'll move into private session, please.

*Derbyniwyd y cynnig.  
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 16:20.  
The public part of the meeting ended at 16:20.*

Drafft – Draft