



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

19/6/2017

Agenda'r Cyfarfod  
Meeting Agenda

Trawsgrifiadau'r Pwyllgor  
Committee Transcripts

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from the Meeting

Cofnodir y trafodion yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd. Lle mae cyfranwyr wedi darparu cywiriadau i'w tystiolaeth, nodir y rheini yn y trawsgrifiad.

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. Where contributors have supplied corrections to their evidence, these are noted in the transcript.

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

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

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

|                   |   |
|-------------------|---|
| Ben Arnold        | Prifysgolion Cymru<br>Universities Wales                                |
| Ben Cottam        | Ffederasiwn Busnesau Bach<br>Federation of Small Businesses             |
| Dr Nick Fenwick   | Undeb Amaethwyr Cymru<br>Farmers Union of Wales                         |
| Stephen Hinchley  | RSPB  |
| Nesta Lloyd-Jones | Cyddfederasiwn GIG Cymru<br>Welsh NHS Confederation                     |
| Jon Rae           | Cymdeithas Llywodraeth Leol Cymru<br>Welsh Local Government Association |
| Huw Thomas        | Undeb Cenedlaethol yr Amaethwyr<br>National Farmers Union of Wales      |
| Sharon Thompson   | RSPB Cymru Wales  |

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

|                 |   |
|-----------------|---|
| Ruth Hatton     | Dirprwy Clerc<br>Deputy Clerk           |
| Gareth Howells  | Cynghorydd Cyfreithiol<br>Legal Adviser |
| Tanwen Summers  | Ail Clerc<br>Second Clerk               |
| Gareth Williams | Clerc<br>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:** Good afternoon. Before we begin the substantive part of this afternoon’s session, I just want to give apologies for Nathan Gill, one of our committee members, who can’t be with us today. Otherwise, we do have a full complement.

**Ymchwiliad Llais Cryfach i Gymru: Sesiwn Rhanddeiliaid  
Stronger Voice for Wales Inquiry: Stakeholder Session**

[2] **Huw Irranca–Davies:** With that, we’re going to move on to the main item on the agenda, which is part of the stronger voice for Wales inquiry that we’ve been involved with for some time. Today, we have a stakeholder session and, for those who may be listening in or following this afterwards on transcript, this is not the typical formal evidence–based session where we direct questions at a panel of witnesses; this is very much a round table, with a group of invited stakeholders, and we’re looking at, particularly, the second strand of our inquiry into the stronger voice for Wales inquiry, which we’ll turn to in a moment. But, first of all, just so that everybody knows who they are, if we very, very briefly, Nick, work our way around the table. Nick, over to you.

[3] **Dr Fenwick:** I'm Nick Fenwick, I'm head of policy for the Farmers Union of Wales.

[4] **Yr Arglwydd Elis-Thomas:** Dafydd Elis-Dafydd Elis-Thomas, Aelod Cynulliad Dwyfor Meirionydd.  
**Lord Elis-Thomas:** Dafydd Elis-Thomas, Assembly Member for Dwyfor Meirionydd.

[5] **Mr Thomas:** Huw Thomas, political adviser, NFU Cymru.

[6] **Dai Lloyd:** Dai Lloyd, Aelod Cynulliad, Plaid Cymru.  
**Dai Lloyd:** Dai Lloyd, Assembly Member, Plaid Cymru.

[7] **Mr Howells:** Gareth Howells, cynghorydd cyfreithiol i'r pwyllgor.  
**Mr Howells:** Gareth Howells, legal adviser to the committee.

[8] **Ms Lloyd-Jones:** Nesta Lloyd-Jones, the policy and public affairs manager for the Welsh NHS Confederation.

[9] **Mr Cottam:** Ben Cottam, head of external affairs, Federation of Small Businesses Wales.

[10] **Mr Arnold:** Ben Arnold, Universities Wales—I'm a policy adviser there.

[11] **Mr Rae:** Jon Rae, director of resources at the Welsh Local Government Association.

[12] **David Melding:** David Melding, Welsh Conservative Party.

[13] **Mr Hinchley:** Stephen Hinchley, principal policy officer at the UK office of the Royal Society for the Protection of Birds.

[14] **Ms Thompson:** Sharon Thompson, head of policy and advocacy, RSPB Cymru.

[15] **Ms Summers:** Tanwen Summers, second clerk.

[16] **Huw Irranca-Davies:** Well, there we are; thank you very much. In double-quick time we did that then. So, we're looking today at the question of the second strand of our stronger voice for Wales inquiry. Strand 1 focused very much on constitutional issues, which if you want to stray into

today in the course of the discussion by all means do. But strand 2 is very much to do with policy matters—thematic policy areas—hence why we've got a good array of people from different parts of the civic and the business community and the third sector community as well, to look at that issue of your thoughts on the nature of relationships between the Welsh and UK Governments, how they function, how they can be improved, which is what we're looking at: a stronger voice for Wales, improved opportunities for policy learning between Governments and Parliaments, best practice in relations across the UK, the nature of the relationship between the Welsh and UK legislatures, and identifying other opportunities for better working and so on.

[17] This is very much to do with the theme of, in the areas of policy that you, our invited guests, are involved in, how do we improve the way in which the voice of Wales is represented, is heard, not simply within Wales, but particularly in the modern context of devolution and the union that we have, but at a UK level, as well. Clearly, it's important, with current negotiations around the exit from the European Union, but it's more than that; it's the day-to-day, bread-and-butter stuff of how we get our voice heard. It's a sub-20-year-old institution, 18 years old. It's evolved over time and we've been interested in looking back at how we've done and how things have changed, but, in looking forward, how do we strengthen our voice?

[18] So, it's very much a round-table approach. Just look to me or to Tanwen on my side if you want to come in. If I could begin just by kicking off here with the broad question of your experience of working with Welsh Government, but also with Whitehall departments: what has worked well and what hasn't worked well, how could things be better? And don't feel shy. Who'd like to kick us off?

[19] **Dr Fenwick:** I'm happy to say something.

[20] **Huw Irranca-Davies:** Nick, you've dived in.

[21] **Dr Fenwick:** I've dived in. I'm just happy to give a broad context. In our experience, the fact that Wales is a far smaller country and we tend to live in each other's pockets, to some extent, and people are very—you know, there are a lot people who are related to each other as well. That is, in some ways, reflected in terms of the communication between Welsh Government and Welsh Government officials and right up to a ministerial level sometimes, and people who are out there in the countryside. Certainly, in our experience

there's a geographical distance that extends into communication distances between officials who are very much within that M25 corridor and those who may live in Cumbria or, indeed, in Wales. Certainly, we can pick up the phone and speak to officials and have a very good rapport with them, and know each other personally. The feeling I get is that that doesn't exist. It certainly doesn't exist between ourselves and Westminster.

[22] **Huw Irranca-Davies:** How would you directly engage with Westminster, I suppose, bearing in mind what you said about the closeness within Wales? What about getting your voice heard at Westminster?

[23] **Dr Fenwick:** Primarily, we would do so through Ministers and any officials that we happened to know, but agriculture is quite unique—bearing in mind that the Farmers Union of Wales is solely a Welsh-based organisation—because of the degree of devolution as regards agriculture, except at certain times, for example when there's CAP reform on the agenda.

[24] **Lord Elis-Thomas:** Wouldn't you extend into the Marches a little bit?

[25] **Dr Fenwick:** Yes, but the contact would be more remote with officials who deal with that sort of issue. So, we wouldn't have that contact simply because there is so much devolution as regards agriculture, except at critical times. We are currently living in such a critical time, actually, because of Brexit.

[26] **Huw Irranca-Davies:** And before I bounce it round to anybody else for comments on this opening broad question, do you find it in any way, then, a disadvantage—you have that ease of access, you have that platform within Wales—do you find it a disadvantage to your members in not having the same platform at a UK level? Or can pretty much everything you do be satisfied within the relationships with Welsh Ministers as we approach European questions now, or bigger issues, or, previously, wider trade issues? Has it been satisfactory for you to engage at a Welsh level or would you have preferred to have had more of a voice up there at Westminster as well?

[27] **Dr Fenwick:** Well, we've certainly had more of a voice, in all fairness to the English Ministers, because of Brexit, particularly with regard to trade and, indeed, things like whether we should or shouldn't have a UK framework for agriculture. At the other end of the spectrum, you have the day-to-day stuff—things like movement rules and cross-border issues where we would love to have the lines of communication to the Department for Environment,

Food and Rural Affairs and the Rural Payments Agency that we have with Welsh Government, but don't have with the RPA, et cetera.

[28] **Huw Irranca-Davies:** Nesta, please.

[29] **Ms Lloyd-Jones:** So, the Welsh NHS Confederation, we're the membership body for the seven health boards and the three trusts. So, the majority of the work that we do relates to health and social care, which is of course devolved. We do have offices also—we're part of the wider NHS Confederation—in London, in Belfast and also in Brussels. So, in regard to our relationship with the Assembly and the Welsh Government, when it comes to any committee inquiry that relates to health, whether it's the Health and Social Care Committee or children's, we have a very good relationship with the clerks. So, we would go to the health boards and the trusts to find representatives through our membership to give evidence to different committees. So, there's that aspect.

[30] When it comes to Westminster, about three years ago, there was an inquiry on cross-border healthcare. It was led by the Welsh Affairs Committee, but we, due to the interest from our members, did put a very detailed response, and a number of our members did respond to that. When it came to that particular committee, our London office didn't respond, and not many trusts in England responded, because the number of Welsh patients going over to England for treatment, and specialist treatment, is of course higher than the number of English patients coming to Wales. However, there are more English patients registered with GPs. So, the cross-border flow is an area that we do keep an eye on, and our London office keeps an eye on. When it comes to Westminster inquiries or committees, if there's a devolved aspect or something that impacts on our members, we would feed in to our English office's response. But that's more ad hoc, I'd say.

[31] **Huw Irranca-Davies:** Yes, okay. Sharon, and then I'll come across to you.

[32] **Ms Thompson:** So, I'll give a perspective from working for RSPB Cymru, and then, if Stephen has anything to add from a UK perspective, I'll let him correct me, or whatever. So, environmental issues are, on the whole, devolved and, to some extent, that means that the work that we do here in Wales tends to be compartmentalised here in Wales, and our relationship both with the civil service and politically tends to be focused on the Welsh



institutions.

[33] It's probably fair to say that Brexit has changed the context for lots of things. Our engagement from Wales to the UK institutions—so, Whitehall and Westminster—has been fairly limited and would be very specifically focused on a key issue that was raised in Wales, but I can't even think of anything that was happening previously. However, in the last year, we have responded to the Welsh Affairs Committee on a review of agriculture and land management as well.

[34] **Huw Irranca-Davies:** Was that because they invited you, or did you spot it and you—?

[35] **Ms Thompson:** Well, they invited colleagues at our UK headquarters, so the feeling is that it's still quite compartmentalised. So, if you think, as well, we also work, or have up until now worked at a European level with other like-minded organisations across Europe and globally, and a lot of it tends to be, while linked, compartmentalised in that you have different groups of people working on it. So, we agree our policies within the organisation and then deliver them in different ways in each of the countries, and, similar to the NHS, we have offices in Northern Ireland and Scotland as well.

[36] So, I think what Brexit has done, to some extent, is that it has maybe broken down some of those barriers and raised the fact that we've maybe been too comfortable in some of our own silos. So, I agree completely with Nick that the access, both within the Parliament here in Wales and with the civil service, is much greater. And, to be fair, there is probably a greater level of stability. So, once you build a relationship with people, they tend to be there the year later, whereas I have worked in Westminster and you have to build the relationship usually every couple of years and re-explain everything. So, it's nice to be able to go back and just pick up where you left off, rather than having to start from the beginning.

[37] **Huw Irranca-Davies:** I could see some nodding heads there. Is that the relationship you've built up with the civil servants, the senior officials or the Ministers, because—?

[38] **Ms Thompson:** A bit of both, but the civil service probably in Whitehall seems to move faster than the Ministers do, which is not to say that they're completely the same person every time. But, you know, it can be MPs who

have been there for 20, 30 years, which is a lot longer than some of the civil servants.

[39] **Huw Irranca-Davies:** Before I go to Huw, you were saying that it's changed now with Brexit.

[40] **Ms Thompson:** We all have to get outside our comfort zone and where we've been working because there are bigger things at stake. I suppose, to some extent, it was unclear what the added value was of the things you were doing outside the country where you were having influence, where now—. I mean, the very title of this inquiry is 'a stronger voice for Wales'. How are we making sure—. We're getting lots of access and there are lots of workshops and lots of working groups happening here in Wales about Brexit, and we know that people have come down from Scotland and said, 'Wow, this is amazing', but what influence and what impact is that having then in terms of what's happening in Whitehall and Westminster? That's the bit I'm not clear about, and I'm not sure that our colleagues are clear—can they see this information coming in, and how is it influencing what's happening in those UK institutions?

[41] **Huw Irranca-Davies:** Has that been the same for other colleagues around here—that, because of where we are with the European discussions, they've lifted their eyes more than normally and thought, 'Right'? Some of you will engage on a regular basis with Westminster departments, but has it been a moment where you've had to go, 'Oh, right, now we've got to look at Wales but also up there'? And, if that is the case, does it all go back into the comfort box when, in two, three, four or five years down the line, things have resolved themselves? Sorry, I was going to come to Huw first, and then I'll come up to Ben. Sorry. Huw.

[42] **Mr Thomas:** No, that's fine. I suppose just addressing your point there, Chair, I'm not really sure whether people will—. As has been said, Brexit has forced people to break down those barriers that were between them. Whether that will set the pattern for a longer term arrangement of working or, once the Brexit issue has been resolved, whether people will perhaps retreat into the silos that they were in before, I don't really know. It's difficult to say; I think it's an unprecedented situation that we're facing really. So, I'm not really sure about the answer to that question.

14:15

[43] But, more generally, I identify very much with the comments that Nick and Sharon have made about the fact that devolution has brought our Ministers, our politicians and civil servants much closer to us, and they are far, far more accessible in terms of geography and in terms of time as well. It's far easier to get hold of people and get them to come and speak to an audience of our farmer members on an issue. We would probably struggle to get a UK Minister in, but it's far easier with Welsh Government Ministers as well.

[44] We are an England-and-Wales organisation. We also have a small office in London, quite near Parliament. Because of devolution and the way things have been for the last 20 years with agriculture devolved from the outset, I think our efforts have rightly been focused on this place and at Welsh Government, but, sometimes, it is useful and there are things which are higher level, things like, as Nick said, CAP reform, but also things like the groceries code adjudicator as well, which is one instance where having that presence can be very useful, and having those connections. But, yes, getting hold of UK Government Ministers can perhaps be a bit more challenging, although recognising as well that, since Brexit, they have been far more willing to engage and take soundings from us, and ditto the committees in Westminster as well. We engaged with the House of Lords and the House of Commons on Brexit. They've sought our views on aspects of Brexit as the process has gone along.

[45] **Huw Irranca-Davies:** Okay, thank you. Ben.

[46] **Mr Cottam:** With regard to that point about whether Brexit has changed the way in which we operate, I think, even internally for us as a UK organisation, that's caused us to look at our relationships across our organisation, to realise maybe the UK-wide imperative of joining up to make sure that we have a position that both strengthens the intelligence not just of the UK Government, but of Welsh Government as well. I think, particularly with regard to Brexit, there is a need for maybe some clarity as to the ministerial connectivity between Welsh Government and UK Government. For instance, we now have the joint ministerial forum, which obviously provides some assurance, I guess, that something's going on, but the clarity and the mechanism for that activity is far from certain. So, in terms of the way in which we would engage different Governments to contribute to that, that's yet to pan out. But we've undertaken quite an extensive engagement across our membership in the last few months to really define a UK approach to the issues that are of interest to our members.

[47] More widely, we're a large UK organisation. We've got significant resource in Westminster that deals primarily with those issues that aren't devolved. I'm always conscious that there are issues that run the danger of falling in between stools, particularly with regard to Welsh MPs and their knowledge and intelligence around the decisions that they need to make and debates that they need to contribute to. So, for instance, it is incumbent on us as FSB Wales to service those Welsh MPs on Wales-specific issues. But there can be this assumption that that just comes from the centre of FSB, so we have to work doubly hard.

[48] With regard to the Welsh Affairs Select Committee, I've got to say that our level of engagement is not actually particularly extensive, whereas our engagement with this institution and the committees is very, very extensive. And some of it is because of that familiarity, and some of it is because of the issue that they are not just individuals, both political and civil servants, who have been here for some time, but we see them most frequently. And I think there is an entirely different level, from my visibility, and an entirely different level of engagement. And the nature of engagement is very different between organisations like ours and the institution of the Welsh Parliament—I'll say it—and the institution maybe of Whitehall and Westminster.

[49] **Huw Irranca-Davies:** Thanks very much. Stephen, and then we'll go to Jon as well for a wrap-up on this opening salvo. And we'll come back to some of the things that people have flagged up already.

[50] **Mr Hinchley:** Thank you, Chair. I'll just focus on that question about the immediate impact of Brexit, and I've got some thoughts later for implications and solutions around that. In terms of the immediate impact, I'd agree with all the speakers, and I guess for us as well in the environmental sector, it's because if you take EU frameworks away, or partially away, which provide, if you like, 80 per cent of our environmental legislation, then obviously, by default, the conversation in country and between countries has largely been around that final 20 per cent of flexible legislation that you make yourself, or the flexibility that you have to deliver legislation within those directives. If you take that partially away, obviously it opens up a whole new spectrum of possibility in terms of what each country can do in terms of the conversation that those countries have to have with each other about what they're doing and the co-operation.

[51] So that, I think, already has driven a much more intense conversation

within our own organisation, between all countries that are in the RSPB, about the future. But it goes beyond that as well, in the sense that I think we have had to then branch out beyond our immediate silo, because we also felt—you know, it's mainly fought in terms of the EU and other member states. And it's also making us think, 'Well, what should our relationship be in terms of nature conservation be with Norway, or Iceland, or countries outside the EU; what's the special relationship with the Republic of Ireland?' So, there's a four-country dimension, but there's also a beyond-UK conversation that's making us think back from the first principles: 'What do we need to do?'

[52] **Huw Irranca-Davies:** Okay. Jon.

[53] **Mr Rae:** Thank you. I'll follow the same format to address your question about has Brexit changed the way we operate. Undoubtedly 'yes' for the WLGA. I guess we might be unique in that, actually, we have an office out in Brussels, and one of the things that Brexit's made us think about is where does our influence, or our resource, need to be. Does it actually need to be out there in Brussels, or should it be more focused on London? It's made us work more closely, I think, with our sister associations across the UK. There's no formal structure around UK co-operation, but there are regular meetings between COSLA—the Convention of Scottish Local Authorities—the WLGA, the LGA based in London and NILGA, the Northern Ireland Local Government Association. And it's made us work, I think, closer together. It's provided a focus now for having, I guess, a local government position on Brexit, which has been useful in securing, I think, at least one meeting with Department for Exiting the European Union Ministers. And the undertaking was that there would be future meetings with Ministers. Obviously, the ministerial line-up has changed, so we'll have to see what happens there.

[54] And I guess we're unusual, in the European context, in that we've got a seat on the Committee of the Regions as well. So, local government has a very strong voice in the heart of the EU institutions; indeed, the Assembly also has a seat on that body as well. So, it's really made us think about, at every single level, how local government can influence what's going on, including at the Wales level as well, because we have a seat on the First Minister's task and finish group. So, almost at every single level, we're working on our position.

[55] **Huw Irranca-Davies:** Okay. That's a really interesting opening salvo. I don't want to focus overly on European Brexit negotiations and so on, but

one of the things it's flushing out here is this aspect of, going forward, what the relationship is within the UK framework. The First Minister has put forward some proposals for major constitutional reform, in the last couple of days. But, in terms of you, regardless of constitutional reform, it seems to me, from what you're saying, that you're going to need to decide as organisations, both tactically and strategically, where you exert most influence, either on particular policy areas—it doesn't even have to do with the Brexit scenario—but, on particular policy areas, some of you have been doing this for years anyway. But would I be right in saying it's even more important now, in this situation, where it's less to do with Brussels—it's going to be more to do with the UK framework, and Wales and Northern Ireland and Scotland within that, how you get your voice heard?

[56] **Mr Thomas:** Yes, that's very true.

[57] **Huw Irranca-Davies:** Okay. Colleagues, by the way, feel free—my fellow committee members—to chip in on this as we go along.

[58] **David Melding:** Could I just say—?

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

[60] **David Melding:** I'll ask a slightly pointed question, and that's: as British governance gets much more significant over areas that were co-ordinated at a European level previously, how confident are you that the discussions within your own organisations are going to be able to deal with that, so that you don't get to a position where, basically, London does all of Britain instead of really just taking the lead as the first amongst equals, perhaps, in England? Are you confident that that will happen?

[61] **Dr Fenwick:** I would say, from our point of view, it's a cause of great concern in some respects in that, superficially, we are a very, very small voice at an EU level, but we have many kindred spirits across the EU in terms of Governments that recognise rural communities—you know, because mainland Europe is far more rural than England is, and we are aware of that. So, that is a concern, that even though our voice is superficially less dilute within the UK, we're actually up against a far more urban-dominated viewpoint. So, maybe that's right from a democratic point of view, but it's certainly very concerning for an area such as Wales, where rural communities are so dominant.

[62] One of the key problems that is facing us, Chair, is that the timetable that we are forced into means that, rather than somebody carefully planning what's going to happen, we now have a battleground over devolved issues in some respects, and other battles and decisions that have to be made over a very, very short timetable—I think it's a little over 20 months that things that would normally take probably about a decade to do will have to be done, and that compresses everything that we do into a very dangerous time period, potentially.

[63] **Huw Irranca-Davies:** Thank you. Stephen, and Nesta then.

[64] **Mr Hinchley:** I think there is a challenge around centralisation as we go through this Brexit process, but also there's a great threat that Brexit leads to an emergence of a governance gap and a transfer of power from democratic institutions, including Parliaments across the UK and executive Governments, whether that's either in London or, to be honest, Governments in the countries as well. And if you look at the practice at EU level, where the European Parliament does have co-legislative power, where there is quite a commitment from the Commission around stakeholder engagement and lots of processes and technical committees around that—if you look at something like the repeal Bill, where basically all those powers may just go straight to a Minister either in London or in Wales, then I think that's a real concern of ours.

[65] **David Melding:** That's an interesting point we've not heard before, either—the dynamic at the minute at the European level and its different relationship with the European Parliament.

[66] **Yr Arglwydd Elis-Thomas:** A **Lord Elis-Thomas:** Can I just make  
gaf i wneud un sylw ar hynny? one comment on that?

[67] **Huw Irranca-Davies:** There's translation on channel 1—sorry, Dafydd.

[68] **Lord Elis-Thomas:** I do tend to speak Welsh, because it's my human right. That's a joke, by the way—it's all right. It's not a joke at all, but I say it lightly.

[69] Mae gen i broblem ddifrifol I do have a serious problem with the  
gyda'r papur a baratowyd gan paper prepared by the UK  
Lywodraeth y Deyrnas Unedig yn Government looking at exiting the  
edrych ar symud allan o'r Undeb European Union, because it isn't clear

Ewropeaidd, oherwydd nid ydy o'n glir yn y papur yna beth ydy'r broses o drosglwyddo pwerau o'r Undeb Ewropeaidd i Lywodraethau datganoledig, a'r peryg yw y bydd pwerau'n aros, fel rydych wedi cyfeirio, yn San Steffan, yn hytrach na bod y pwerau a oedd yn arfer bod gyda'r Undeb Ewropeaidd yn dod i'r Llywodraethau datganoledig.

14:30

[70] Rwy'n meddwl bod hynny'n fater sydd o gonsŷrn aruthrol i bawb ohonom ni o gwmpas y bwrdd yma, oherwydd mae'r perthnasau sydd wedi'u sefydlu yma rhwng y sectorau gwirfoddol a phroffesiynol a chynrychioli aelodau, ac aelodau etholedig a swyddogion—rydym wedi clywed amdano fo yn y rhan gyntaf o'r drafodaeth yma—mae'r rheini i gyda mewn peryg os ydy'r grymoedd a oedd yn arfer bod yn yr Undeb Ewropeaidd ac a oedd yn rhan o broses gyfansoddiadol Senedd Ewrop a phroses gyfatebol yn digwydd yn y Deyrnas Unedig, fel aelod-wladwriaeth, a phroses gyfatebol yn digwydd yn y seneddau datganoledig—. Rydw i'n siarad rŵan fel un a gafodd y cyfle i fod yn aelod o bwyllgor Ewropeaidd yn San Steffan a hefyd o bwyllgorau yn y Cynulliad. Rydw i'n gweld pwysigrwydd y cydweithrediad yr oeddem ni'n gallu ei gael rhwng pwyllgorau ar wahanol lefelau yn yr Undeb Ewropeaidd, yn San Steffan ac yng Nghymru, er mwyn sicrhau newidiadau, a byddai

in that paper what the process of transfer of powers from the European Union to devolved Governments would be, and there's a risk that powers may remain, as you mentioned, in Westminster, rather than those powers that used to sit with the European Union coming to the devolved Governments.

I think that that is an issue of huge concern to each and every one of us around this table, because the relationships established here between the voluntary, professional and member representation sectors, and elected members and officials—which we've heard described in the first part of our discussion this afternoon—all of those are at risk if the powers that used to sit within the European Union and were part of a constitutional process within the European Parliament now, with a corresponding process happening in the UK, as a member state, and a corresponding process also happening in the devolved parliaments—. I speak now as one who had an opportunity to be a member of a European committee in Westminster and who has also been a member of committees at the Assembly. I do see the importance of the collaboration that we had between committees at various levels in the EU, in Westminster and in Wales, in order to secure changes



hynny'n diflannu'n llwyr os nad ydym and ensure changes. That will yn ofalus. Mae'n ddrwg gennyf disappear completely unless we're bregethu. careful. I'm sorry to preach at you.

[71] **Huw Irranca-Davies:** No, no—thank you, Dafydd. Nesta.

[72] **Ms Lloyd-Jones:** Just in relation to since Brexit, the Welsh NHS Confederation are now part of two UK-wide coalitions. One's the Cavendish coalition, which is specifically looking at the workforce and the impact that Brexit could have on the NHS workforce, and then a new coalition has been established looking at other things such as clinical trials. As soon as those coalitions were established, we made sure that there were representatives from the devolved nations, because things are quite different across each nation now when it comes to the NHS, and we wanted to ensure that whatever paper was being put forward as a UK-wide paper wasn't only English. There are little things: the word 'trusts' means different things in England compared to Wales. When some of the papers said 'government' it was sometimes unclear what government was being referred to. So, being part of that coalition sometimes was just raising those questions and track changing 'government'. But, also, what we have found is that we've been able to share that information with Assembly Members, with Welsh MPs and also with the Welsh Government. So, we've been able to take that proactive role with any UK-wide paper that is being produced. Each person in the devolved administrations is then taking those back to their different governments to make sure that they're aware of what's being produced at a UK level and that it's UK-level papers that are being produced, not specific to England.

[73] **Huw Irranca-Davies:** And because of the policy area you're in, that's an essential thing that you have to do, regardless of where we are with the European discussions. You've had to do it for years. Since we've been in a devolution context you've had to look both up at Westminster and here in Wales. On resourcing, you must be enormously stretched to keep an eye in both directions at once there.

[74] **Ms Lloyd-Jones:** I think if you work for a UK organisation it's making sure that there is that communication channel there. That is key, because there's me and my colleague who does policy and public affairs, and the NHS covers a lot. So, we've just got to make sure that we link in when we can. Being part of these coalitions is making sure that the Welsh NHS and our members' views are heard. But a lot of the issues are similar, such as medical

recruitment, but there could be pinch points in the Welsh NHS that aren't being felt in the English NHS and it's just highlighting those divergences when we can.

[75] **Huw Irranca-Davies:** But do you normally catch them before those errors, oversights or whatever are out there being consulted on, or do you pick them up after they've forgotten that little aspect of what's different in Wales or whatever?

[76] **Ms Lloyd-Jones:** Usually, we do catch them before they come out. So, like many organisations, we have monitoring companies that check both Westminster and the Assembly, and they support us a lot to give us the heads up, so to speak, to know which committees are discussing what aspects and what Westminster committees are looking at as well. So, they're an extra resource.

[77] **Huw Irranca-Davies:** Okay, thank you. Sharon.

[78] **Ms Thompson:** Something that Nesta said triggered in me a thought. You're asking what we do internally as organisations. I find that those of us working in the devolved countries have maybe greater, more attuned antennae for picking up some of this small wording. I have changed many of the same words that you have changed in documents—than maybe our UK colleagues. But I wonder then: the suite of MPs that you're presenting this UK paper to, how many of them are attuned to what is devolved and what is reserved when you're speaking to them? I think one of the things that might have to happen in a post-Brexit world—because this is why a lot of this is happening, but it should be happening anyway, as you say—is understanding what the decisions are and what the votes are on in Westminster. I think, quite often people are voting on things that are actually maybe only impacting on England.

[79] **Huw Irranca-Davies:** Yes. Ben.

[80] **Mr Arnold:** Thank you. For my opening salvo, just to say a big 'thank you' for the invitation to come. As we outlined in our response, it really is a very important issue—worth having effective engagement with Westminster for a whole variety of reasons. Brexit, of course, is just one of those examples and I would absolutely agree with Dafydd's comments on concerns about how that might work for Wales as we go through that process.

[81] Higher education is one of those areas where—. Education is devolved, though with the exception of research councils, and in practice that means there's a large matter of devolved matters, partially devolved matters and non-devolved matters, which nevertheless, because we operate in a UK environment, have a massive impact on Wales and the higher education sector. The proposed use of the Henry VIII clauses does mean that we have very limited opportunity to scrutinise and input those processes, where our past experience of things like the Wales Bill and the Higher Education and Research Act 2017 all show the importance of that and the valuable role that this committee has played in amongst others. Really, it's going to be a very large job for us on the legislative front alone simply to monitor and untangle all of those complicated arrangements, particularly in the light that we've also got the implementation of the Wales Act 2017 at the same time. Something like procurement, which is EU legislation but has been changed by the Wales Act—that could be very complicated. We need to have a proper process for scrutiny and one that we can input into it to avoid unnecessary mistakes as far as possible and come out with sensible legislation and policies. So, thank you for bringing us along today.

[82] **Huw Irranca-Davies:** Thank you very much. Okay, I want to pull it—. I understand why we're all, at the moment, in everything we go to—we always get sucked into this vortex of Brexit and so on, so I want to pull it away from that for a moment and go on to some other interesting things for us as a committee, such as whether you notice any difference in the ease of engaging with Government at different times, particularly with party political differences. Do you as organisations find things get strained or not at all—there's no difference when there are different party-political colours at either end of the M4? Do you find it makes no difference whatsoever? Is it more to do with purely personalities of whoever happens to be Secretary of State and whoever the lead officials are that you're engaging with? That's quite an interesting one for us as to whether you see a difference in what Governments make up both ends of the M4. Huw, do you want to kick us off?

[83] **Mr Thomas:** That is a very interesting question. I think, as you've picked up, though, a lot of it does come down to personalities and how people do get on, or not, with each other because that can be very important. I think, in terms of agriculture, it is purely a devolved matter. There aren't the jagged edges, really, between Westminster and London, where they might rub up against each other, where part of it might be devolved and part may not be so. I think that because of that fairly clean break, it may make it a little bit easier from our perspective, I would say. I think a lot does come

down to personalities. Sometimes there can be elements of, perhaps, one-upmanship or 'not invented here' and perhaps being too proud to follow an idea that's come from elsewhere. One fairly recent example of where there was tension between Cardiff and Westminster was over the Agricultural Sector (Wales) Bill, of course, and that, obviously, had to be arbitrated in the Supreme Court in the end. But, thankfully, we don't find ourselves in that sort of situation too often. Taking away the European framework, which will—sorry, I don't want to go back to Brexit again—but when that disappears, we are opening a can of worms then.

[84] **Huw Irranca-Davies:** Okay. Nesta.

[85] **Ms Lloyd-Jones:** I think the relationship usually is fine, but I think, in my time, during the general election in 2015, there was a significant amount of spotlight on the NHS in Wales, which was unprecedented, really, especially by the UK media, and it was very difficult for our members, and also for the Welsh Government, to respond. So, that's why it is always positive to have independent research and analysis from organisations such as the Nuffield Foundation, but, I think, in that election especially, there were tensions between both Governments due to the fact that the NHS at that time—I think in the recent election the NHS wasn't the No. 1 issue, but in 2015 it was—. There was a significant spotlight then on the NHS in Wales.

[86] **Huw Irranca-Davies:** But did that mean that your dialogue and engagement was difficult? I mean, were you in the situation where, whether it was responding to consultation, or whether it was those back-channel meetings with officials and representatives of your organisation—did they become more difficult? Were they coloured by the massive fire-storm that was going on outside politically?

[87] **Ms Lloyd-Jones:** I think our office in London were supportive, and they were supportive of the NHS in Wales, and making sure that when we discussed things like the challenges of the NHS Wales, they were highlighting that the challenges were also in England, Scotland and Northern Ireland. So, we had to work very closely with our London offices, and they also spoke with the Ministers at Westminster to highlight some of the issues that we were trying to put forward. But they did that engagement, while we did the engagement with all parties, as part of the election process. But I think the UK media and the media in general had a big impact on it.

[88] **Huw Irranca-Davies:** Right. John.

[89] **Mr Rae:** I was just going to mention that our experience as local government will cover a number of policy areas that aren't necessarily devolved, and we work with a number of UK Government departments. I think that the things that drive differing relationships tend to be the culture in those departments, more than the individuals—or personalities anyway—themselves. And just two kind of examples: my colleagues, I think, who work on migration and Syrian refugees et cetera have a strained and difficult time at the Home Office. And I think that's again, perhaps, down to their culture, and an area where, actually, I don't think there would be much difference—or sometimes not much difference—between us and the UK Government, whereas on another policy area, where I do have some in-depth knowledge, on welfare reform—not something many of my leaders are keen on—actually we have a really good working relationship with the Department for Work and Pensions—very, very good engagement. We've got a lot of officers who spend quite a lot of time up in London, being asked questions. And I think that's again maybe down to the fact that local government is maybe delivering a lot of this. So, where there's a kind of reliance on local government to get something done, we're everybody's best friends.

[90] **Huw Irranca-Davies:** Right, okay. Nick, you've been waiting patiently, and then we're going to come to Ben.

[91] **Dr Fenwick:** Firstly I would agree with Huw in terms of those issues that are political, which can cause problems, and Huw did give one of those examples. But even when there were the same administrations on both sides of Offa's Dyke, there were certain issues where it was felt either that there was a sort of possessiveness over policies—at that time, maybe, because devolution wasn't that old—but also some of it is down to ignorance as to what is and isn't devolved. The NHS and the press have been mentioned, and I think we all will have heard quite regularly things that really perpetuate ignorance about where the line between what is and isn't devolved lies.

14:45

[92] I think that the mainstream media does, or has done, a great disservice not only to devolution in perpetuating misapprehensions as to what devolution is, but in terms of reporting what EU government systems look like. If you ever went out there, or if you go out there now, you will see a cross-section of people from France and Germany all reporting on some very, very important decision that, in the short term, could affect us, and you

won't see any media from the UK. We have very much an inward-looking island mentality, and that mentality extends to an English-centric mentality. So, you'll regularly hear a report about the NHS, or it could be agriculture—things where they're reporting it as effectively an English issue that extends to Scotland, Wales and Northern Island.

[93] **Huw Irranca-Davies:** Yes, okay. Now, what I'm going to propose we do—. I won't stop yet—in about four or five minutes, we're going to pause to just have a quick refresh and then start again there, but before we do, Nick—no, sorry, Ben.

[94] **Mr Cottam:** Thanks very much. Just to quickly reflect on Nick's last comment, I'd agree that the media doesn't do us a great favour. If I take, for example, towards the end of last year, a concern that arose among businesses about business rates revaluation and the impact that that was going to have. Chiefly at that point, specifically, that was relating to the English system. Of course, we had a UK-wide media—most of Wales consumes that UK media—that didn't take the time to differentiate that, actually, it was a different system here. I don't doubt that Assembly Members had a fair volume in their mailbag of confusion from businesses.

[95] What I would say—I think that I can maybe give you an example of the problems caused by different politics and different political colours. If we look at 2008, over the financial crisis, there was a response here in Wales where the then First Minister convened what I think was then still called the business partnership council. It was a jointly chaired session with the Secretary of State for Wales, who, obviously, was a Labour parliamentarian, and there was this notion that team Wales was getting together around the table to decide to maybe help inform a way forward.

[96] Given Brexit, and after the Brexit vote—I don't wish to dwell too much on Brexit, only to use this as an example—we made the case, actually, that there should be a similar approach, but, of course, the political colours are very different, and there was very, very much more reluctance to have that same situation. It's not intentional that my members should have to account for politics. What they look for is political leadership from wherever that may come at the most appropriate level. I think there is an expectation that we have the structures and we have the engagement that ensure that Parliaments come together at times like that.

[97] **Huw Irranca-Davies:** Okay. Dafydd, yes, and then I'm going to bring

Ben in as well.

[98] **Lord Elis-Thomas:** I'm very tempted to comment on that, and I will. What concerns me is that you've got formal constitutional structures, which are set out in legislation, but more importantly you've got the informal constitutional structures that you've just described. If a precedent has been set that people should respond in a particular way, then that should be continued—there is no case for not having it. I don't know where the objection came from, but I've seen so much of this over the years, where the interrelationship between Wales and Westminster is far too determined by what suits the party politics—I can speak of 'a plague on all your houses' on political parties, I suppose, in one sense—but the party politics of particular contexts prevent people like yourselves, or indeed the people of Wales, from having their voices heard. This is something I think we should report on, Chair, because if we don't do that then we are missing an opportunity to point out that this is not just about what is written in the statutes of the Government of Wales Acts. It is what the practice of good governance of the United Kingdom is, really.

[99] **Huw Irranca-Davies:** Your point is very telling, there, and your members would not expect politics to get in the way of—.

[100] **Mr Cottam:** It might seem naïve, but nevertheless—. [*Laughter.*] But I think there is an expectation. There is expectation, interpretation of the public interest, which isn't necessarily in most people's eyes tainted by politics.

[101] **Huw Irranca-Davies:** I'm going to allow Ben to have the last word before we recharge our coffee cups and so on, but just to comment, we're also running, alongside this, a citizens panel as well. One of the themes that we raised with them and that they discussed was that, in the eyes, perhaps naively, again, of the public, they would just expect that Government is there to govern well, and that Parliament is there to do its scrutiny well and not to get blown off course by the politics of the moment, and so on. I guess we, as politicians, would probably look at that and say, 'Hey, this happens now and then', but in the grand run of schemes, I think that is an interesting message: that the structures and the people need to be there on the understanding that it's in the good of the country and the good of the people we represent. How we get there is a whole other question, as Dafydd has rightly said. But, final words from Ben.

[102] **Mr Arnold:** Thank you. Obviously, personalities and culture, I think, are extremely important, but I think one of the key things we would push in our submission was that, really, a lot of these problems can be addressed further by more structured formal arrangements. That's an area we would look to improve on, perhaps. So, for instance, under the Higher Education and Research Bill, we expressed concerns about the operation of the UK research councils and UK Research and Innovation. Really, what we got there is that we weren't able to get the changes to the Bill that we wanted, which would address issues of representation and joint working, but what we were able to do from that was get some very important commitments to looking at the memorandums of understanding. Just to highlight, I think some of the issues that we have about working on joint UK policy matters are equally coming forth in things like the industrial strategy, where I was pleased to note that the Welsh Government submitted a letter that pointed out the need for a mechanism that would clarify how decisions were going to be developed and reached. I think that's the sort of level that we need to actually—if we haven't got it covered by legislation, that's the sort of level that we need to get into, in order to make sure that the Welsh interests are actually there and represented. Because we felt—to recover my words from earlier—that simply the traditional method of working with Wales doesn't match the current state of devolution, which is UK policy consultation with everybody and Wales falling in alongside that. That's not strong enough to protect, I don't think, the Welsh interests in some of these areas. So, we welcome that, and we'll be pursuing the memorandum of understanding further.

[103] **Huw Irranca-Davies:** Very good. Quite fascinating that in some of the evidence that we've had to date, former Secretaries of State and so on have been—'dismissive' would be the wrong word—but have given scant regard to things like memorandums of understanding, but I do recall, as a junior Wales Office Minister, curiously, just how—

[104] **Lord Elis-Thomas:** Not that junior, surely.

[105] **Huw Irranca-Davies:** But perhaps because I was a junior Wales Office Minister, how important they were to guide officials in their discussions. So, it may well be that the Secretary of State never sees it, never pays more regard than signing off the MOU, but in terms of the day-to-day working between officials in Whitehall and Welsh Government and elsewhere, it's the document that guides how they do it. So, it's interesting, as you were saying, that drilling down to that level and making them work, and making them



bite, is key.

[106] We're going to pause there for a brief moment just for a small comfort break and to recharge your glasses, as we'll reconvene as soon as you're back in here in about five or 10 minutes. Thank you very much for that first session. Very good indeed.

*Gohiriwyd y cyfarfod rhwng 14:55 a 15:03.  
The meeting adjourned between 14:55 and 15:03.*

[107] **Huw Irranca-Davies:** Welcome back to this afternoon's session of the Constitutional and Legislative Affairs Committee stakeholder session on our stronger voice for Wales inquiry. We had a very interesting first session, and now we're back to drill a little bit deeper into some of the ways forward we might be thinking about to improve working between Governments, between Parliaments, and also with wider civic society as well, and industry and the third sector. Now, Dai, would you like to take us forward into this area? And we're going to drill down a little bit deeper, I think.

[108] **Dai Lloyd:** Diolch yn fawr, Gadeirydd. Rydym ni wedi bod yn sôn am bethau eithaf uchel-ael i fyny at rŵan. Roeddwn i'n mynd i ganolbwyntio ar ran arall o'r nodiadau y byddwch chi wedi'u cael, hynny yw, beth sy'n digwydd ar lefel pwyllgorau—pwyllgorau yn fan hyn yn y Cynulliad, ac wrth gwrs eich profiad chi o bwyllgorau yn San Steffan. Mae rhai ohonom ni hefyd yn aelodau, yn naturiol, o bwyllgorau eraill; er enghraifft, rydw i'n cadeirio'r pwyllgor iechyd yn fan hyn. Ac, wrth gwrs, beth rydym ni ei eisiau ydy eich syniad chi o sut mae ein pwyllgorau ni yn fan hyn yn gweithio ar eu pennau eu hunain, a hefyd mewn cymhariaeth â sut mae'r un math o bwyllgorau'n gweithio i fyny yn San Steffan. Gofyn yn benodol, felly, beth y gallai pwyllgorau'r

**Dai Lloyd:** Thank you very much, Chair. We have been discussing the highbrow issues so far. I was going to focus on another aspect of the notes that you will have received, namely what happens on a committee level—committees here in this place at the Assembly, and of course your experience of committees in Westminster as well. Some of us are also members of other committees; for example, I chair the health committee here. And, of course, what we want is to hear your perception of how our committees here work individually, and also as compared to how the same kinds of committees work over in Westminster. So, to ask specifically, what could Assembly committees improve in the way that we operate? And also, are you

Cynulliad yma wella yn y ffordd rydym yn gweithredu. A hefyd, a ydych chi'n hapus efo'r ffordd rydym ni yn ymgynghori? Pa mor hawdd ydy hi i chi ymgynghori efo pa bynnag bwyllgor, efo pa bynnag adolygiad sydd yn mynd ymlaen? A ydy'r dull gweithredu yn wahanol—yn well neu'n waeth—efo'r pwyllgorau yn y fan hyn, rhwng gwahanol bwyllgorau yma yn y Cynulliad, o'u cymharu efo pwyllgorau mewn sefydliadau amgen, os rhown ni o fel yna? Diolch yn fawr.

content with the way that we consult? How easy is it for you to consult with whatever committee on whatever inquiry it is holding? Is the method of operation different—better or worse—with committees in this place, between different committees at the Assembly, as compared to committees in other alternative institutions, if we could put it that way? Thank you.

[109] **Huw Irranca-Davies:** Diolch, Dai. So, we're throwing that out, and Nesta, you'd like to kick us off.

[110] **Ms Lloyd-Jones:** As I think I highlighted briefly when I first spoke about how the Welsh NHS Confederation has a very good relationship, firstly, with the Health, Social Care and Sport Committee—I'm not saying that because Dai is the Chair of that—but we've, over the years, built very good relationships with the clerking team. So, as I highlighted, whenever there is an inquiry, we usually find out before it's made live to give us the time to source the representatives from the NHS or find the best people, really, to give evidence. We've started doing that now with other committees as well, because the NHS and health aspect has been covered in other committees, such as the economy committee. It looked at the apprenticeship levy, and the clerk contacted us to say, 'This could be something that—you know, we would like to hear from you.' So, they sometimes proactively come to us as well, which is positive, because we then prioritise our work.

[111] When it comes to Westminster, like I said, the Welsh Affairs Committee did an inquiry two years ago on cross-border health. The clerk did contact us, and asked us to give evidence, and that was very positive, but there was a lot of work that I had to do around talking about devolution and the different context, and raising awareness of devolution because there wasn't that understanding there. So, there was something that we had to do a little bit of work around to make sure that they were asking for the right people to give evidence.

[112] **Huw Irranca-Davies:** It's fascinating; I'll bring others in. With the Welsh

Affairs Committee—and this isn't a criticism of the clerks at all—you'd have thought that would be the committee that would know the devolution context, and possibly even who'd be the right ones.

[113] **Ms Lloyd-Jones:** Yes, and I think, also, it was because it was early days, they hadn't received written evidence. So, it was discussions around fundamentals around the NHS, around choice, against voice, and about how the cross-border flow worked. So, some of the questions were very complex, but some of the other aspects weren't—. It was use of language, saying, 'We want NHS trusts to give us evidence' and I said, 'Well, what we're talking about when we talk about trusts is three and not hospital providers.' So, there was small detail like that that I had to clarify as part of the process.

[114] **Huw Irranca-Davies:** Have you had engagement with other Westminster committees at any time?

[115] **Ms Lloyd-Jones:** No. Like I said, the London office do a lot with the health committee, and we would liaise and feed in as and when. So, we usually leave that committee to our London office.

[116] **Huw Irranca-Davies:** Sharon.

[117] **Ms Thompson:** So, probably quite similar to Nesta's experience: I would say that it is a very positive experience working with the committees here in Wales, both those that are doing legislative scrutiny—which is obviously a more recent activity—but also wider committees covering inquiries such as this. I would say the access is good, the engagement is good and we're regularly asked, both individually as the RSPB, but also the wider environmental non-governmental organisation sector collectively. I would say, again, pre Brexit, our experience was probably limited to the inquiry with the most influence over the area of our interests, which is currently the Climate Change, Environment and Rural Affairs Committee. It's only more recently that we've started to branch out.

[118] Having also given evidence at Westminster committees, both on legislative scrutiny and inquiries as well, what I'm less clear on here—and I think it's a shame because there's good access here—is there are good reports written, there are generally pretty good recommendations, but I am not clear how influential those recommendations coming out of the committees are here, whereas, in my own experience, I have seen committees produce recommendations in Westminster and those go on then

to have influence. It would be a shame that the chain between good democratic engagement is then lost when it makes that sort of break between the political Government and the executive Government. So, I think that's something that could be improved. Maybe it's just transparency. Maybe it is happening and we just can't see it. So, can we publish how those recommendations have been taken into consideration, and have a greater understanding of it? But, if it's more than just transparency, then we probably need some sort of discussion and debate about why we are doing this if it's not having any influence. I think we definitely should be doing this, because it's part of the democratic process, but how do we then go to the next stage where it actually influences the decisions that are taken?

[119] **Huw Irranca-Davies:** And you're clear that, at a Westminster level, the reports that are produced and the recommendations that flow, they have a greater airing, they're more likely to end up in—

[120] **Ms Thompson:** Well, I can't speak across the board. It's just from my own experience and a relatively narrow field, but I have seen it change the policy as a result. So, I suspect it's not across the board. I suspect it isn't universal. Engagement isn't bad in Westminster—it's pretty good—but it's a much bigger place; it can kind of get lost. I have a lot of sympathy—there are a lot fewer people trying to cover a lot of stuff in terms of doing parliamentary scrutiny here in Wales, so I don't know how you all fit it all in. So, the level of scrutiny obviously isn't going to be the same level of detail all the time. It would be nice, maybe, if we could do that. But, as I say, from my own experience, I've been able to join the dots and see the connection between giving evidence and recommendations and changes to policy in Westminster. That has maybe not been as explicit or overt or obvious here.

[121] **Huw Irranca-Davies:** Interesting. Okay, okay. Jon—. I'm going to take that, by the way, as a compliment about how hard we all work here. Just before we move on, just note that. Will you note that?

[122] **Ms Summers:** Yes. [*Laughter.*]

[123] **Lord Elis-Thomas:** This is the difficulty—that's a matter for Government or Ministers. So, clearly, you're not very effective at lobbying the Government directly. [*Laughter.*] As a Government supporter—as an independent Member.

[124] **Ms Thompson:** That's when—in legislation—using the Parliament can

be very effective, actually.

[125] **Lord Elis-Thomas:** Oh, of course. Then you should mobilise the Members more effectively to produce better amendments that the Government has to accept.

[126] **Huw Irranca-Davies:** That would be interesting. Right. Okay. Jon.

[127] **Lord Elis-Thomas:** Well, I mean—. It's open house, Chair. [*Laughter.*]

[128] **Huw Irranca-Davies:** Yes, absolutely.

[129] **Mr Rae:** I think almost every other day the WLGA are down giving evidence either to some inquiry or through some legislative process. Most of my interactions, either through the Finance Committee or the Public Accounts Committee, I think, represent—. Being a representative umbrella organisation, I think sometimes the WLGA is seen as the portal for all local government, and it kind of misses the fact that we're a very rich tapestry of communities all around Wales. I noticed just recently, actually—from speaking to the second clerk of the Finance Committee last week, I realised they're doing an inquiry at the minute into the financial implications of legislation, and they're taking evidence from us this week, but they're actually going up to Beaumaris, up in Anglesey, in July, which I think is a great way of engaging our friends in communities up there. So, it would be good to see a little bit more of that, more of that kind of outreach, I think, because otherwise you just get the WLGA voice, which tends to be—you know, we have to hold 22 sometimes different views together, and we can be quite—. You know, if we've got a line on something, sometimes it's quite a bland line. But I'd agree very, very strongly with what, is it, Sharon down there just said that when you see some—. I tend to think of these committees as all highly influential bodies, and it sometimes is a mystery to me why some of the recommendations are ignored.

15:15

[130] **Huw Irranca-Davies:** But is that a difference between here and Westminster, do you think? Because I certainly know many examples where committee reports in Westminster are scurrilously dismissed by Ministers.

[131] **Mr Rae:** Yes. I think the UK Government's on a really sticky wicket if it ignores something that the committee has said in the UK Parliament. I

couldn't think of any specific example, and actually that's one area where—. We don't actually provide much evidence to the UK Parliament. We do tend to rely on the Local Government Association, of which we are—. All 22 councils in the WLGA are corporate members of the LGA, so that's a service we demand of them, sometimes. We have input into it.

[132] **Dr Fenwick:** Chair, can I suggest that it depends, really. I doubt there's very much difference, and I would guess it's where the balance of powers lie, the majority, et cetera, that is there. I'm also aware of many, many examples where recommendations have been accepted, and of course it depends whether you like those recommendations or not as to whether you're happy with them being rejected or not, doesn't it?

[133] **Huw Irranca-Davies:** Yes. Okay, Ben.

[134] **Mr Cottam:** But that ought to deliberately extend the love for the committee system here. [*Laughter.*] I think our experience of the Assembly committees is on the whole very, very positive. I would term the engagement very, very much day to day, which is very beneficial for an organisation like ours. We are—albeit, yes, we're here to represent businesses, but the breadth of businesses means that the breadth of that activity is really quite significant. I think what we do feel sometimes is the volume of that consultation, so, if I look at the Economy, Infrastructure and Skills committee, recently there have been two pieces of work. In each case, we've been given a month to gather an evidence base, and it is as imperative to us as it is for many organisations to make sure that we have an evidence-based view. So, marshalling that view can be quite significant, so I guess, in terms of the workload on us, I'm always mindful when you times that across a number of committees. But I would characterise that relationship as a day-to-day relationship, and, in fact, the EIS committee was up in Glasgow last week and met with FSB Scotland—met with counterparts in Scotland—to get their view on city deal in Glasgow, which is great. They could have met with us and said, 'Bearing in mind what you know from what your colleagues have done up in Scotland, what do you think?', but, actually, I hope that the committee got a different or a more particular perspective from my colleagues up in Scotland. So, I think that activity, where the committees go out, is very, very positive. What I would suggest is that there's—and Members will be much better attuned than I am—. We are necessarily, similarly, an aggregated view of the business community, and I think there are individual perspectives, and individual stories are very, very important. So, the mechanisms by which we engage individuals and smaller organisations are

still, maybe, the ‘to do’, if you like. And just one very quick reflection: I guess whereas I would characterise the relationship as a day-to-day relationship with Assembly committees, I think, with the best will in the world, the relationship with maybe the Welsh Affairs Select Committee isn’t necessarily as day-to-day. And I think some of that is geographical issues, but probably there is more of a job of work for us to make sure that that communications gap is closed, and we don’t just automatically cast our eyes down here in Cardiff Bay.

[135] **Huw Irranca-Davies:** Right, okay. I’m going to come to David in a moment, but, Huw, you wanted to come in on this.

[136] **Mr Thomas:** Thank you very much. I think, speaking as a representative of farmers, it goes without saying that the committee we deal with the most is the environment, climate change and rural affairs committee. But I think, since Brexit and some of the political developments we’ve seen recently, we’ve broadened that engagement, really, to the external affairs committee, this committee, and the Finance Committee. I think we have a good engagement and good relationship with the clerks, and it’s always a fairly straightforward process and people take you through the process of preparing evidence and giving evidence. I think, as Ben said, sometimes the volume of work—and perhaps, if things come simultaneously from different committees, you haven’t always got a huge lead-in time, especially when you need to consult and engage with your membership to have a determined policy view, really.

[137] In terms of other themes, the climate change committee, the environment and climate change committee, is without a Chair at the moment, as well. It’s in a bit of a hiatus there. It would be—

[138] **Lord Elis-Thomas:** It’s contrary to Standing Orders, the situation. That’s all I can tell you—

[139] **Mr Thomas:** Okay.

[140] **Lord Elis-Thomas:** —in my view.

[141] **Mr Thomas:** So, resolving that would be desirable—getting that resolved. But, from our point of view, I think we’d probably like to see Ministers and Cabinet Secretaries perhaps appear a bit more frequently before committees as well to be scrutinised on their work. It doesn’t happen

perhaps as often as maybe we would like.

[142] **Huw Irranca-Davies:** Okay. Which leads us to a nice—. Oh, sorry—

[143] **David Melding:** I just wanted to end the love-in, if I can. [*Laughter.*]

[144] **Huw Irranca-Davies:** Okay, you're going to end it in a moment, David, because you're also going to take us on to another area, I think, but, Ben, you wanted to come in on this.

[145] **Mr Arnold:** Yes, thank you. Our experience of working with the committees has been very positive and there are very strong, good examples of the positive roles that this committee and, for instance, that the Children, Young People and Education Committee and the Finance Committee play in contributing to the legislation. In particular, things like the Higher Education (Wales) Act 2015 were immeasurably improved by it. So, I think there's, on the one hand, very good engagement for Wales legislation. I'd query whether we've still quite got the right mechanisms when it comes to UK legislation that is about Wales and devolved issues, because that requires a legislative consent memorandum and I wonder whether there's sufficient scrutiny—certainly, it's not equal scrutiny at the moment—for legislation coming out of Parliament on that. And, in our response, we highlighted one issue where perhaps the committee itself felt that there wasn't time to follow up on some of those concerns and explore those responses and feed back into the system. So, I do think that perhaps there's an opportunity to look at those mechanisms to see whether Wales could be more in control of the policy in devolved areas in that respect.

[146] **Huw Irranca-Davies:** Do you have any suggestions?

[147] **Mr Arnold:** Well, one that was floated that certainly merits consideration was the joint committee idea, and perhaps if that would expedite looking at—

[148] **Huw Irranca-Davies:** In which case, David, please.

[149] **David Melding:** I don't want to start there, because I think we do need to disturb some of the complacency. I will go on to that.

[150] **Huw Irranca-Davies:** Yes.



[151] **David Melding:** We heard from one academic—Scottish—saying that the day-to-day contact is definitely a plus and you get it in small polities, and, Scotland, it is larger than us, but still in that category. But he said that the real danger is this imperative, this desire to look for consensus, and often what gets missed is that there are real choices in politics and, by not identifying them sometimes, you actually end up, in your legislative scrutiny work and policy reviews, letting the Executive get away with it. Do you think that this is fair? And are you edgy enough with us, sometimes? Perhaps you ought to be going away feeling really annoyed sometimes, because you feel that the committee's disagreed with you or the report has gone against something that you really put forward.

[152] **Huw Irranca-Davies:** Nesta.

[153] **Ms Lloyd-Jones:** One aspect is, because we have those conversations with the clerks, there have been instances where they've said, as some people have highlighted, 'We need a response within a week'. And, because the relationship's there, I can say to them, 'You can't have it in a week, but you can have it in 10 days'. And, also, what's been happening is that I meet with the research team and talk to them about the key priorities and issues coming from the NHS.

[154] So, for example, two years ago, there was an inquiry on the cancer delivery plan and I said to the researchers, 'The issues that I've highlighted there, if you broaden it to cover all delivery plans, all long-term conditions, you will get more evidence, and you'll have consistent messages'. So, it's working with them around making the best use of the time of a committee that is extremely busy—as all committees are busy—so there is that dialogue that is happening. Sometimes, the conversations aren't always easy ones on behalf of the clerking team and myself, but, most of the time, we do come to some form of an agreement that is best for our members and best for the Chairman and the committee.

[155] **Huw Irranca-Davies:** Nick.

[156] **Dr Fenwick:** Thank you. I'm sure Mr Melding is well aware that we, like others, will be blunt in what we tell committees we think should be done, and then it's the committees' prerogative to either accept or reject that. But I would absolutely agree with Huw in terms of the need to scrutinise Ministers more regularly on their views on those same subjects. When I first came to work for the FUW, getting on for 15 years ago, I know that, constitutionally,

things were different then, but I think the highlight of the week or the fortnight would be watching Carwyn Jones answer questions in front of the Environment, Planning and Countryside Committee. That was a very, very different—I was very junior then, I didn't really understand what was going on, but it was a very different experience. I'm not suggesting for a minute—that's certainly not a criticism of current committees or Members. I know things have changed since then in terms of the way in which the Assembly is run, but something more along those lines, I think, would bring greater transparency to the democratic processes that go on here.

[157] **David Melding:** So, you think committees perhaps should spend more time on or give a higher priority to general scrutiny of the Minister.

[158] **Dr Fenwick:** Yes.

[159] **David Melding:** They'll obviously invite Ministers in on topics, but—

[160] **Dr Fenwick:** Yes, and that's not a criticism of the Minister. It's that it's important for transparency.

[161] **David Melding:** Would you like an input to that? When I chaired the Committee for the Scrutiny of the First Minister, we used to ask people to submit questions. Before Mr Corbyn, I used to say, 'Joe from Llangollen asks this.' [*Laughter.*] Actually, it's very effective—

[162] **Huw Irranca-Davies:** It was you who started this.

[163] **David Melding:** Well, perhaps—

[164] **Lord Elis-Thomas:** You have a lot to answer for, David. [*Laughter.*]

[165] **David Melding:** But, also, would you like to be involved in that, because I think, with the scrutiny of the First Minister, we got in touch with all sorts of organisations for suggestions?

[166] **Dr Fenwick:** I think it is as important to contact organisations regarding such things as it is to receive individuals' questions or queries. Often, there's a danger that individuals cannot see the broader picture. A hill farmer sees things from a hill farmer's point of view, and a lowland farmer sees things from a lowland farmer's point of view and often doesn't understand the other's point of view. Our job is to represent the broad

picture.

[167] **David Melding:** I suspect the farmers unions are pretty robust, but do any of you feel slightly inhibited sometimes about feeding issues through to committees and saying, 'You could really pin the Minister on this, and that we need to know why this decision was made or what the two options are around accountability', or do you sometimes think, 'Well, we want to keep good relations with the Minister, who may even be partly responsible for funding our organisation'? How does this all work?

[168] **Huw Irranca-Davies:** Nobody's willing to answer that. [*Laughter.*] Go on, Jon.

[169] **Mr Rae:** I'll try. We're a politically led organisation, so I know, sometimes, when I go down there accompanied by politicians, leaders of the local government association, I think they are careful. Let's just say that—they're careful in what's said at committee.

[170] **David Melding:** Interesting.

[171] **Huw Irranca-Davies:** Huw.

[172] **Mr Thomas:** I think this gets back to comments made before. Wales is quite a small place. By no means would it take a genius to work out where some line of questioning, perhaps, had come from. So, I suppose there is that balance to be struck between maintaining good relations and holding people to account, but, certainly, we do feel that Ministers could appear more frequently in front of committees and for there to just be, as Nick alluded to, the sort of scrutiny that, perhaps, Carwyn Jones was subject to in the EPC in days gone by. That sort of periodic cycle of scrutiny would be useful.

[173] **David Melding:** Perhaps now I should take this on to the—

[174] **Huw Irranca-Davies:** Ben and Sharon, did you want to just answer that briefly?

[175] **Mr Cottam:** Part of my point had been picked up by Huw. I think we're ever mindful of balancing our audiences, but, from the FSB's perspective, the reason that we go out and get that evidence is not only to improve the decisions, but to improve the discussions that help inform those decisions,

whether they come from committee or whether they come from Ministers. I think there can be an inhibition at times about critiquing Government, critiquing Ministers, but I'd like to think that we balance that as best we can. But it is definitely a balance that we feel, yes.

15:30

[176] **Ms Thompson:** It's maybe not that different, but I think if there was an issue that we thought was imperative, that we highlighted, that we would definitely do there, you might be a bit tactical about doing it every time that you showed up to committee. As you say, there's balancing some of that against where progress has been made. I think, to some extent, it comes back to what level of detail can be got into in the scrutiny. Then you kind of implied in your question: are we not making the most of ad hoc opportunities? So, I'm talking about it in terms of, if there was an inquiry, we would go and give evidence, and if we thought something was bad, we would say it was bad. But are there other opportunities that are more ad hoc that we're not taking because we don't know they exist?

[177] **David Melding:** As time is racing by, I'm not sure if this is the final area, but it's certainly the other area I've been asked to talk about. The British Government's increasing—we've talked a bit more perhaps about how the Governments co-operate, and the possibility of a council of Ministers, but certainly over farming policy, environment, when it comes to regional aid a lot, much to do with higher education as well. These are clearly big issues that are devolved, but a co-decision, I suppose, at some level, is involved. Do you think that the legislative equivalent of that ought to be done, or some of it, through more effective co-operation between our Assembly committees and, say, Westminster's? Should there be more joint working, joint meetings even, when we are dealing with some of these questions that perhaps formerly would have been dealt with more in terms of European governance in setting the broad frameworks?

[178] **Huw Irranca-Davies:** Stephen, yes, go on.

[179] **Mr Hinchley:** Thank you. So, yes, I think I'd like to pick up on that question and relate to the two bullets at the end of the strand 2 policy matters on inter-parliamentary working, but also in the context of Brexit, because I think it's very relevant. The first thing I'd say is that, in terms of inter-governmental working, I support the conclusion in the Welsh Government's recent paper that, effectively, our existing inter-governmental

machinery is no longer fit for purpose, and then I think that also leads to conclusions around what we should be thinking about in terms of inter-parliamentary working. I think you raise the UK Council of Ministers, and this goes back to the point earlier about transfer of executive power. If you have a UK council of Ministers that's potentially taking decisions behind closed doors with no parliamentary scrutiny, either at Westminster or devolved level, and then those Ministers come back to their countries and effectively deliver a *fait accompli*, then I think that's very bad for (a) good policy making, but (b) public trust in our democracy and our decision-making institutions. So, I do fundamentally believe that, in the context of Brexit, we do need to reinvent our democracy and the way that parliaments work together. I think, for you personally, besides the individual policy areas, maybe you should consider having an inquiry with your equivalents in each of the four countries, if you like—Westminster, et cetera—on these particular topics and how, constitutionally, parliaments need to hold their governments to account as we go through, now and beyond this process. Going back to the conversation right at the beginning, is this going to be enduring? Is this need for co-operative working across four countries going to last beyond Brexit? Yes, it will, in a totally different world for the next decades until the next big political event. So, this is enduring.

[180] So, I would really encourage you to grow your ambition, think about the potential for working with other parliaments, and get stuck in also to UK Government civil servants, if that's possible. There's a civil servant being appointed, Philip Rycroft, at the Department for Exiting the European Union with specific responsibility around how Brexit and devolution plays out. He should be brought to account in the devolved legislatures as to how the Government's taking that proposal forward.

[181] **Huw Irranca-Davies:** Nick.

[182] **Dr Fenwick:** I think, Chair, all things being equal, were it not for Brexit, there would be a clear distinction between those issues that should be discussed by, maybe, joint committees—things that affect the whole of the UK, but also have a significant devolved element—and those issues that are completely devolved. One might become concerned if they were involved—if there was a joint committee, for the sake of argument, between the Environment, Food and Rural Affairs Committee and the Climate Change, Environment and Rural Affairs Committee, and yet it was a completely devolved issue, there would be some dilution of devolution. And I think that is the concern maybe at the moment in that you start to dilute stuff, and

almost inadvertently start to transfer powers to those who may never have even been to Wales. So, there is a word of caution there about, commercially, being slightly selfish. Having written maybe six very similar submissions to different committees—in the House of Lords, House of Commons et cetera, including one that extended over to the Republic of Ireland, I think; a sort of a joint Celtic committee—they were very similar sets of questions but all slightly different. From a selfish point of view, with regard to things like that, absolutely, joint working should be undertaken.

[183] **Huw Irranca-Davies:** So, from your point of view, Nick, it should be a—. I notice your note of caution on actually diminishing the focus and the strength of a committee here by inadvertently diluting it by mixing in with other ones, but you would be in favour of some carefully chosen joint committee work where you were covering broadly the same area that would be of help to—. It might well be that committees come to different conclusions and produce different reports based on the same evidence, but they could actually hear the same evidence if they draw different conclusions.

[184] **Dr Fenwick:** That would make complete sense, and I think that the real value of committees, be they here or in the two places in London, is that the discussions are far more mature, there are far less politics, and that more destructive Punch and Judy-type politics is certainly left outside of the door. That's the huge value of committees. And, again, that's another reason why Ministers would be called in front of committees like this, because you leave the Punch and Judy stuff outside and you ask far more pertinent, less loaded questions.

[185] **Huw Irranca-Davies:** Dafydd.

[186] **Lord Elis-Thomas:** I'd just like to comment on that and say how much I entirely support what Nick said, because, in the field of agricultural policy, I certainly remember meetings—one in Armagh, for example, in Northern Ireland—involving the politicians from the Republic, from the north and from the UK. And because it was agricultural policy, we were all in agreement, and I think there's a great strength in that. I'm concerned, especially in the area of agriculture, that this is not being sufficiently discussed at the highest level in the UK at the moment. And if we can't, from Wales of all places, push this one, what are we doing here?

[187] **Huw Irranca-Davies:** But what strikes me—Nesta, you want to come in—on this is how do you decide, on this basis of a stronger voice for Wales,

where the correct approaches to joint working take place that really do strengthen that voice, and where you don't actually get dragged into somebody else's agenda that you diminish the voice of Wales. But, Nesta, you wanted to come in on this.

[188] **Ms Lloyd-Jones:** Just in regards to joint committees, I think that we would support joint committees in certain areas, such as the Welsh Affairs Committee cross-border committee. The then Minister gave evidence to the Welsh Affairs Committee; they came to the Senedd and gave evidence. The report they published was for Westminster, and I know the Welsh Government considered their recommendations, but there was a lot of information. Twenty thousand English residents are registered with GPs in Wales, and 15,000 Welsh residents are registered in England. So, there are cross-border flows here, but then there is a cross-border flow between Scotland and England, and Northern Ireland and the Republic. So, it's looking at whether there are joint recommendations, such as on information. When you look at the NHS, how many patients or people who are residents of Wales even know that the NHS and health is devolved? And there is significant policy divergence, and it's increasing year on year. So, having a joint committee, especially on something like cross-border patient flow or something like medical recruitment—because, again, when we go out to recruit, we're recruiting across the UK and Europe, and the workforce pressures that we're facing in Wales are the same across the UK—something like that, again, would be beneficial, so that we're not just looking at medical recruitment in Wales, but having medical recruitment across the UK, because even slight changes in immigration rules affect Wales but affect other UK nations as well.

[189] **Huw Irranca-Davies:** I wonder, because I've only relatively recently arrived here at the Assembly, whether something we should be looking at, when committees put together their future agenda and so on—and the message that we've heard from people in other evidence sessions is that we should get on with doing things—that one of the things we should be doing is looking at where the opportunities are for joint scrutiny as we look ahead across different thematic committees. And it might be in a year ahead that there is no particular need to do it, or it might be that two or three say 'Well, of course this is blindingly obvious.' Do we automatically do it? I suspect we don't. I suspect some committees spot something, but maybe we ought to be systematically saying 'We should scope this' in the same way that we have, curiously, up until now, with European proposals coming forward—scoping what's coming forward from this commission, that commission and the

other, where we should intervene, where we should start. Go on, Ben.

[190] **Mr Cottam:** I think the notion of joint committees would not only promote the understanding between the institutions and members within the institution, but also, crucially, for external stakeholders, such as in my constituency, it promotes maybe a confidence in the way in which scrutiny is undertaken and the nature of decision making overall. And I think there's an opportunity to say that whereas you would do this despite Brexit, Brexit is a catalyst given the volume of engagement that we know is probably coming down the line.

[191] **Huw Irranca-Daives:** Thank you very much. I think we have almost rounded off here on what we needed to discuss, but I just wonder, before letting you all go, whether we could ask if there's anything you think that we haven't covered on this issue of a stronger voice for Wales. Whether it's inter-governmental, inter-parliamentary, the way that civic society works, is there anything blindingly obvious that you think we are missing? Off you go, Stephen.

[192] **Mr Hinchley:** What I would say is that I don't think the UK Government and the UK Parliament are going to take a lead in this area. So, we note with interest, I guess, the call for a constitutional convention, but I think it's going to have to be up to devolved Governments, Parliaments and civil society more generally to move forward with that themselves, to create this conversation. It's not going to just come, because obviously, everyone in London is just so focused on the challenges of delivering Brexit itself. So, I'd really encourage you, I guess, not to wait for a response necessarily, but to think how we can create this conversation across the UK dynamically without having to necessarily wait for Westminster and the London Government, and they can catch up as you lead.

[193] **Lord Elis-Thomas:** Can I come back to you? Because I'm one of your ordinary members. I would encourage you as an organisation, as a strong UK-wide organisation, with international standing, to help us.

[194] **Mr Hinchley:** Can I come back? I just want to say that, actually, we're about to commission, with the WWF, the Institute for Government to do a piece of work with us precisely on this issue, which we'll hopefully get started soon, and maybe some of you can be involved in that, but to then widen that out into both Westminster and Whitehall in particular, I guess, where we want to influence that conversation.



[195] **Lord Elis-Thomas:** We've been meeting with the Institute for Government ourselves. We have that network as well.

[196] **Mr Hinchley:** Yes. I think it's a good network.

[197] **Huw Irranca-Davies:** Indeed. Jon.

[198] **Mr Rae:** Just to remember that we're dealing here with multilevel Governments, so don't forget, not only principal unitary authorities, but also town and community councils. And just on the area of that penultimate topic of joint scrutiny, this is an issue for local government as well, with more regional kind of approaches to service delivery. Ben mentioned the city regions. Then there's going to be more and more joint scrutiny within local government, and, in fact, there has been since the 1972 Act, I think.

[199] **Huw Irranca-Davies:** Okay. Now, you don't have to comment on this, but I'm looking around, and just out of interest to you, Philip Rycroft was mentioned, and we hope to be taking evidence from Philip Rycroft on 10 July, I think. So, he's there. I think this has been a very useful session for us. It's helped to confirm some of our thoughts, but it's also probably stretching us in some other areas as well. If you do have any other thoughts when you go away from this, saying, 'I wish I'd have said this', then do feel free to get in touch with Tanwen, with us, and we will factor that in as well. But please keep engaged with us. Tanwen, do you want to—?

15:45

[200] **Ms Summers:** It's just that Ben was asking to speak.

[201] **Huw Irranca-Davies:** Oh, I'm sorry. Ben.

[202] **Mr Arnold:** I was going to just go back to the point about the importance of the memorandum of understanding, I think, for us. Another case example, I think, would be Brexit. It's going to be important not just to make sure that we're looking at legislation, and making the right decisions; it's actually about how we communicate them. That sort of stuff needs to be in agreements between the relevant authorities, at different levels. For instance, the difficulty of co-ordinating announcements over European student support funding, I think, highlights the absolute importance of addressing that in going forward, and I don't see more legislation curing

that. We've got to tackle it—[*Inaudible.*]

[203] **Huw Irranca-Davies:** Good. Thank you very much. Well, in which case, we will call a halt to the session. Thank you very much for attending and sharing your thoughts with us. We'll have a brief pause now while we clear the room, clear the gallery, and we have some items of business that the committee is going to carry on with. I was only joking before when I said you could stay. You have to go now, I'm afraid. But I believe there are some Welsh cakes still in the room opposite. Thank you all very much indeed.

[204] As we change over, could I just ask committee members: are you happy, under Standing Order 17.42, to invite the committee to resolve to exclude the public for this part of the meeting, and to go into private session for a moment, while we change over? Are we content? We'll move into private session, please.

*Gohiriwyd y cyfarfod rhwng 15:48 a 15:49.  
The meeting adjourned between 15:48 a 15:49*

### **Papurau i'w Nodi Papers to Note**

[205] **Huw Irranca-Davies:** Good afternoon. Welcome back to the continuation of this afternoon's session of the Constitutional and Legislative Affairs Committee. After our substantive element there, with the stakeholder roundtable, we now move on to remaining business. Under item No. 3, we have several papers to note. Paper 1 is a letter from the leader of the house re the Compulsory Purchase of Land (Vesting Declarations) (Wales) Regulations 2017. Paper No. 2 is a letter from the Finance Committee re Natural Resources Wales's annual accounts 2015-16, and there's also a letter under paper 3 from the Cabinet Secretary for Finance and Local Government re the Landfill Disposals Tax (Wales) Bill. On those three items, are Members content to note?

[206] **David Melding:** I am, but I do think there's—. The letter from Simon Thomas, does that require us to do any work in terms of the—? There does seem to be an oversight in our Standing Orders here in terms of what happens when accounts are delayed for proper public scrutiny and follow-up and then it disturbs a notional reporting timeline. So, I don't know if we need to do anything to help them resolve that.

[207] **Huw Irranca–Davies:** I think our understanding is that the slightly larger, more detailed letter that went to the Finance Committee—it's primarily aimed at them to pick this up and resolve it, but perhaps we could ask, through the back channels, to just discuss this to see whether or not there is anything we need to pick up. But I think, David, your point is right. We've been copied into it, but I suspect it's for the Finance Committee to actually pick up on this one. But we will check that, just in case. On that basis, are you content to note those three?

[208] Then if we move to paper No. 4, a letter from the First Minister on the Welsh Government written statement 'Brexit and Devolution', and, of course, the accompanying paper that we've been sent as well. If Members do want to discuss this, we can. We could move into private session to discuss it, or are you all happy to note it, the fact that we've been sent, as other committees have, the paper? Happy to note. Thank you very much.

15:51

**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.*

[209] **Huw Irranca–Davies:** Then finally, under item No. 4—that's all the papers to consider. Under item No. 4, under Standing Order 17.42, we'll resolve to meet in private if you're content. Okay.

*Derbyniwyd y cynnig.*

*Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 15:52.  
The public part of the meeting ended at 15:52.*