

Agenda – Culture, Communications, Welsh Language, Sport, and International Relations Committee

Meeting Venue:

Committee Room 3 – Senedd

Meeting date: 17 April 2024

Meeting time: 09.30

For further information contact:

Lleu Williams

Committee Clerk

0300 200 6565

SeneddCulture@senedd.wales

Hybrid

Pre-meeting registration

(09.15 – 09.30)

1 Introductions, apologies, substitutions and declarations of interest

(09.30)

2 One day inquiry into the development of post-16 Welsh language provision: Evidence session with post-16 education and training organisations (1)

(09.30 – 10.30)

(Pages 1 – 21)

Dafydd Evans, Chief Executive Officer of Grŵp Llandrillo Menai, representing CollegesWales

Lisa Mytton, Strategic Director, National Training Federation Wales

Dr Ioan Matthews, Chief Executive Officer, Coleg Cymraeg Cenedlaethol

Research brief

[Consultation responses](#)

Attached Documents:

Research brief



National Training Federation Wales consultation response

Coleg Cymraeg Cenedlaethol consultation response

Break

(10.30 – 10.40)

3 One day inquiry into the development of post-16 Welsh language provision: Evidence session with National Centre for Learning Welsh (2)

(10.40 – 11.15)

(Pages 22 – 23)

Dona Lewis, Chief Executive Officer

Attached Documents:

National Centre for Learning Welsh consultation response (English Translation by Senedd Commission)

4 Papers(s) to note

(11.15)

4.1 Arts Council of Wales: Investment Review

(Pages 24 – 25)

Attached Documents:

Letter from Arts Council of Wales: Providing further information about post-Investment Review transition support for members leaving the Portfolio – 7 March 2024

4.2 Legislative Consent: Data Protection and Digital Information Bill

(Pages 26 – 37)

Attached Documents:

Letter copied for information from the First Minister to the Chair of the Legislation, Justice and Constitution Committee: Responding to the Legislation, Justice and Constitution Committee's report on Legislative Consent Memorandum (No. 3) on the Data Protection and Digital Information Bill – 8 March 2024

Letter copied for information from the Chair of the Legislation, Justice and Constitution Committee to the First Minister: Requesting clarification of matters relating to Legislative Consent Memorandum (No. 3) on the Data Protection and Digital Information Bill – 15 March 2024

Letter copied for information from the Chair of the Legislation, Justice and Constitution Committee to the Minister of State for Data and Digital Infrastructure: Requesting clarification of matters relating to Legislative Consent Memorandum (No. 3) on the Data Protection and Digital Information Bill – 15 March 2024

4.3 Inter-Institutional Relations Agreement

(Page 38)

Attached Documents:

Letter copied for information from the Minister for Economy to the Chair of the Legislation, Justice and Constitution Committee: Providing a summary of the discussions at the sixth meeting of the UK–EU Relations Inter–Ministerial Group on 6 March 2024 – 12 March 2024

4.4 Welsh Government Draft Budget 2024–25

(Pages 39 – 47)

Attached Documents:

Correspondence copied for information from Jamie Medhurst, Professor of Film and Media, Aberystwyth University to the First Minister: Raising concerns about cuts to the Culture sector – 8 March 2024 (English Translation by Senedd Commission)

Letter to the Minister for Economy and Deputy Minister for Arts, Sport and Tourism: Requesting information about the impact of the Welsh Government’s Draft Budget 2024–25 – 13 March 2024

Letter from the Chair of the Finance Committee: Inviting comments to inform future scrutiny of the Welsh Government’s Draft Budget – 22 March 2024

Letter from the Cabinet Secretary for Culture and Social Justice: Providing information about the impact of the Welsh Government’s Draft Budget 2024–25 – 4 April 2024

4.5 Books Council of Wales magazine funding model

(Pages 48 – 51)

Attached Documents:

Letter from Gwen Davies, Editor, New Welsh Review: Raising concerns about the Books Council of Wales's administration of publishing grants for English language magazines – 19 March 2024

4.6 Allegations surrounding the Welsh Rugby Union

(Pages 52 – 53)

Attached Documents:

Correspondence from Abi Tierney, Chief Executive of the Welsh Rugby Union: Advising the appointment of a new Chief Financial Officer – 21 March 2024

4.7 The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage

(Pages 54 – 55)

Attached Documents:

Letter to the Rt Hon the Lord Goldsmith KC, Chair of the International Agreements Committee: Copying letters for information from the Welsh Government and the UK Government about the plans to ratify the Convention – 25 March 2023

4.8 P-06-1387 Provide humanitarian aid to Gaza

(Pages 56 – 57)

Attached Documents:

Letter copied for information from the Chair of the Petitions Committee to the Minister for Social Justice: Requesting clarification of matters relating to Petition P-06-1387 Provide humanitarian aid to Gaza – 23 February 2024

5 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of this meeting

(11.15)

6 One day inquiry into the development of post-16 Welsh language provision: Consideration of evidence

(11.15 – 11.30)

7 Consideration of the forward work programme for summer 2024 (2)

(11.30 – 12.00)

(Pages 58 – 73)

Draft forward work programme

Draft terms of reference for an inquiry into the video games industry

Attached Documents:

Draft forward work programme

Draft terms of reference for an inquiry into the video games industry

8 Six Nations rugby broadcasting rights: Consideration of draft report (2)

(12.00 – 12.10)

(Pages 74 – 96)

Draft report

Attached Documents:

Draft report

Document is Restricted

DWLP11

Senedd Cymru | Welsh Parliament

Pwyllgor Diwylliant, Cyfathrebu, y Gymraeg, Chwaraeon, a Chysylltiadau Rhyngwladol | Culture, Communications, Welsh Language, Sport, and International Relations Committee

Datblygu'r ddarpariaeth Gymraeg ôl-16 | Development of post-16 Welsh language provision

Ymateb gan Ffederasiwn Hyfforddiant Cenedlaethol Cymru | Evidence from National Training Federation for Wales



Response to the impact of a flat budget for Welsh learners in post-16 education

Funding plays a crucial role in shaping the landscape of Welsh language learning among young people. Adequate funding allows educational institutions to provide essential resources, such as textbooks, teaching materials, and language-specific software.

It enables schools and colleges to offer specialised language courses, workshops, and extracurricular activities that enhance language skills. Teacher training and recruitment funding supports professional development for teachers, work-based assessors etc ensuring they are well-equipped to teach Welsh effectively. It encourages recruitment of skilled Welsh language educators for example with training for existing staff.

The support of Coleg Cymraeg Cenedlaethol helps with a plethora of support including work-based assessor training and support, advice and guidance, promotion and awareness, facilitates promotional campaigns to raise awareness about the benefits of learning Welsh. This can encourage participation in language events, competitions, and cultural festivals.

They also support with infrastructure and facilities as funding contributes to creating language-friendly environments within Post 16 educational institutions, for example digital platforms and multimedia resources which enhance learning experiences.

Most Important is sustainable funding ensures continuity of Welsh language programs from primary to post-16 education, it prevents program cuts due to budget constraints.

Specifically for Post-16 courses and career prospects, adequate funding for post-16 Welsh language courses encourages learners to continue their language journey. It opens doors to Welsh-medium higher education and career opportunities. Funding has helped support producing bilingual resources for vocational courses preparing students for specific professions.

The Cymraeg 2050 strategy, with its ambitious goal of reaching one million Welsh speakers by 2050, relies heavily on various factors, including funding decisions related to post-16 Welsh language provision.

Adequate funding ensures the continuity and expansion of Welsh language provision beyond secondary education, again for the private independent providers with support from Coleg Cymraeg Cenedlaethol and awarding organisations etc funding supports robust post-16 programs, more learners will continue their language journey, contributing to the overall trajectory and increased participation in post-16 Welsh language apprenticeships aligns with the goal of nurturing fluent speakers.

Monitoring and adaptation, funding decisions impact monitoring mechanisms and regular assessment informs adjustments to achieve targets thus ensuring progress toward the one million speaker's goal.

In summary, strategic funding positively impacts young people's Welsh language learning experiences, influences their choices regarding medium of instruction, and contributes to a vibrant Welsh-speaking community in Wales, funding decisions significantly influence the trajectory of Cymraeg 2050. Strategic allocation can propel Welsh language growth, while inadequate funding may hinder progress. The Welsh Government's commitment to sustaining and expanding Welsh language provision remains pivotal and any deviance to this will have a significant negative impact.

DWLP01

Senedd Cymru | Welsh Parliament

Pwyllgor Diwylliant, Cyfathrebu, y Gymraeg, Chwaraeon, a Chysylltiadau Rhyngwladol | Culture, Communications, Welsh Language, Sport, and International Relations Committee

Datblygu'r ddarpariaeth Gymraeg ôl-16 | Development of post-16 Welsh language provision

Ymateb gan Y Coleg Gymraeg Cenedlaethol | Evidence from Y Coleg Gymraeg Cenedlaethol

Thank you for the invitation to give evidence to the Committee for its [inquiry](#) into the development of post-16 Welsh-medium provision.

This briefing note summarises our main messages, and the Chief Executive of the Coleg Gymraeg (the Coleg), Dr Ioan Matthews, will be pleased to elaborate and answer questions during the oral evidence session on 17 April 2024.

The Coleg's Evidence (653 words)

1. Post-16 Welsh-medium and bilingual strategy

Following a review in 2017, the Coleg was given responsibility for the Welsh language and bilingualism within the post-16 sector. In 2019, the then Minister for Education, Kirsty Williams, published a [Further Education and Apprenticeship Welsh-medium Action Plan](#), which targets *everyone* in the sector regardless of their Welsh language skills ([summary](#)).

The table below shows progress since 2017-18:

Table 1 – Learning activities with at least an element of Welsh

Year	Further education	Work-based learning
2017/18	9.6%	13.4%
2018/19	11.9%	15.4%

2019/20	11.8%	14.6%
2020/21	14.7%	20.8%
2021/22	18.2%	25.3%

Source: <https://www.gov.wales/cymraeg-2050-annual-reports>

While we recognise the significant challenges associated with Welsh-medium post-16 data, we are pleased with the progress made so far and the willing collaboration between the Coleg, the colleges, apprenticeship providers and bodies such as ColegauCymru, NTfW and Qualifications Wales.

2. Welsh-medium and bilingual post-16 funding and its impact

As a result of the Co-operation Agreement, the Coleg's post-16 budget was increased:

- 2022-23: £1.5m
- 2023-24: £2.825

The additional funding allowed investment in the following projects:

- Sixty-two further education practitioners appointed. Gower College and Cardiff and Vale College funded to develop Teacher Support Projects.
- Twenty-one apprenticeship assessors appointed. Apprenticeship infrastructure supported at ACT and the NPTC Group of Colleges.
- Promotional grants allocated to providers, and awards for apprentices and learners funded.

There had been a commitment to provide an additional £840,000 in 2024-25, but it was [confirmed in January](#) that the Coleg would not receive this increase. The Government published a [document](#) in February setting out a commitment to reprofile the increase in 2025-26.

A flat budget in 2024-25 allows the Coleg to continue to support the projects listed above but it will not be possible to support the following new activities:

- Expansion in Health and Care and Childcare where there is a shortage of bilingual workers.

- The development of Construction provision at every college.
- The appointment of more apprenticeship assessors beyond areas already receiving support.
- A conference for staff in these sectors.

3. The Coleg's recommendations

Turning to the Committee's fourth question:

"To understand how decisions around future funding for the development of post-16 Welsh language provision will impact the Cymraeg 2050 trajectory and targets."

it is important to consider the wider picture including the changes and opportunities presented by the establishment of the Commission for Tertiary Education and Research (CTER).

The [Tertiary Education and Research Act](#) places [strategic duties](#) on CTER in relation to the Welsh language. The Coleg has been designated to advise the Commission on these duties. A [statement of the Government's strategic priorities](#) has also been published and has a clear focus on the Welsh language. The original [Action Plan](#) was launched five years ago, so it is timely for a review in order to raise expectations over the next period.

Our initial recommendations are outlined below. These will be developed over the next few months as we take up our advisory role in relation to CTER:

- **CTER** – CTER must fully implement its statutory duties relating to the Welsh language and use its power as a funder and regulator to ensure, in collaboration with the Coleg, that post-16 education providers develop Welsh-medium and bilingual provision that is suitable and available to *all*.
- **Data** – CTER should carry out a review of Welsh-medium and bilingual post-16 data. Challenging targets should be set for providers, and their achievement measured in a meaningful way. This should dovetail with the Welsh Language Education Bill and the *Tafllwybr* (the million speakers Trajectory).
- **Funding** – A review of the way post-16 Welsh-medium and bilingual education is funded should be carried out to ensure that *all* providers receive support to develop and sustain Welsh-medium and bilingual

provision at an appropriate level that is consistent with the Government's ambition for the Welsh language and the Cymraeg 2050 Strategy.

- **Qualifications** – The recommendations of the [Sharron Lusher report](#) should be implemented in relation to increasing the number of Welsh-medium vocational qualifications available to learners.

DWLP07

Senedd Cymru | Welsh Parliament

Pwyllgor Diwylliant, Cyfathrebu, y Gymraeg, Chwaraeon, a Chysylltiadau Rhyngwladol | Culture, Communications, Welsh Language, Sport, and International Relations Committee

Datblygu'r ddarpariaeth Gymraeg ôl-16 | Development of post-16 Welsh language provision

Ymateb gan Y Ganolfan Dysgu Cymraeg Genedlaethol | Evidence from The National Centre for Learning Welsh

The Centre received additional funding in April 2022 to extend its provision to young people aged 16-25 years. This project succeeded in attracting 1,150 young people during 2022-23 and 2,593 young people during 2023-24. A variety of new partnerships and projects were developed, including Further Education Colleges, the Duke of Edinburgh and Schools. The emphasis of all these opportunities is on developing the skills and confidence to speak Welsh.

This project was outside the Centre's usual remit. The Centre now provides Welsh language learning services to a range of audiences, including learners in the community, in the workplace, families etc. The demand for Welsh learning services is high, and has increased over the years. We're teaching more people than ever before, but the challenge is to continue responding to the demand without an increase in funding. The Centre's data for 2022-23 shows a 11% increase in the number of learners, with the number of young learners 9% higher than the previous year. This is the type of growth possible with financial investment.

We are working innovatively and creatively, and have introduced a new range of opportunities for learning Welsh, including virtual learning and self-teaching. A high number of digital resources is also available to support the learning process. The purpose of this is to encourage more people to learn Welsh and of course, an increase in demand and the number of learners is something to celebrate but the challenge for the Centre is the ability to extend its services to increasing audiences, and to continue increasing the number of Welsh learners.

The Welsh Government's decision to reprioritise the additional allocation for the Centre for 2024-25 means that we are unable to further extend the project but we are able to aim to maintain the current level of provision.

The post-16 audience is so important, and the Centre knows that we are able to encourage young people to learn Welsh. Our plans include a number of partnerships which enable young people to learn Welsh side by side or as part of their training. For example, apprenticeship schemes where 120 hours of Welsh learning (equivalent to one whole level) have been incorporated into the course. We have also held a successful pilot with Further Education Colleges where 400 young people received Welsh lessons specifically relating to their vocational studies. We also have schemes in place with Universities to incorporate elements of Welsh learning into post-graduate courses. That includes Initial Teacher Training and a Childhood Studies Degree Course. All this has been possible due to the additional funding received in order to extend our services to young people.

The demand for Welsh learning services is high, and the number of Welsh learners has increased since the establishment of the Centre. The number of post-16 young people learning Welsh is high since the Centre received additional funding to provide services to this audience. This proves that, with investment, the Centre can make a substantial contribution to the Cymraeg 2050 targets.

7 March 2024

Delyth Jewell MS,
Chair,

Culture, Communications, Welsh Language,
Sport, and International Relations
Committee

Dear Delyth

Re: Investment Review transition support

Thank you for your letter of the 19th February regarding the above. I have responded below to each of the questions you have raised.

1. How much funding the Arts Council has allocated for transition funding

Our published [Transition Support](#) provides advice on how much an organisation, eligible for this support, may apply for. In consideration of this and the number of organisations that would be eligible for such support, we have allocated a budget of £660,000 for this funding.

2. How many applications have been made for transition funding

Officers are in discussions with all eligible organisations. To date, we have received 2 applications for transition support funding, both of which have been approved. The deadline for applications is 31 March 2024.

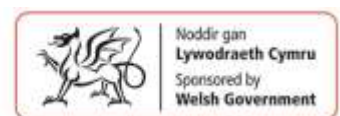
3. What “additional and specific advice and expertise” comprises of

This refers to the provision, where appropriate to the individual organisation’s needs, of external advice in addition to advice provided by Arts Council Officers. This advice will assist the organisations in diagnostic analysis to help them best focus their transition application for their own organisational needs.

4. How many applications have been made for such advice

Plas Bute, Caerdydd CF10 5AL
Ffôn: 03301 242733
Ffacs: 029 2044 1400
SMS: 07797 800504
Gwefan: www.celf.cymru

Bute Place, Cardiff CF10 5AL
Tel: 03301 242733
Fax: 029 2044 1400
SMS: 07797 800504
Website: www.arts.wales



Swyddfeydd Lleol/Local Offices:

Caerdydd/Cardiff, Bae Colwyn/Colwyn Bay, Caerfyrddin/Carmarthen
Rhif Elusen Gofrestredig/Registered Charity Number: 1034245

To date, 3 organisations have requested this advice and are currently in conversations with a consultant.

5. When determinations will be made on applications for transition funding

Applications are being considered and decisions made as they are being received. Both applications received to date have already been approved and the funds awarded. Organisations have up until 31st March 2024 to apply.

6. When successful applicants will receive transition funding?

The funds are available to the applicant immediately following approval of the application. Organisations will have their own specific requirements. Therefore, funds will be paid at the time as being identified most appropriate for the applicant in relation to the information contained within their application.

We are engaged in discussions with all 9 organisations eligible for transition support.

I trust this provides information responds to your enquiry and please let me know if I can be of any further assistance regarding this matter.

Yours sincerely



Dafydd Rhys
Chief Executive



Ein cyf/Our ref MA/FM/0609/24

Llywodraeth Cymru
Welsh Government

Huw Irranca-Davies MS
Chair of the Legislation, Justice and Constitution Committee

8 March 2024

Dear Huw

I am writing in response to the Legislation, Justice and Constitution Committee's (LJCC) report on the Supplementary Legislative Consent Memorandum (Memorandum No.3), laid in respect of the Data Protection and Digital Information Bill ('the Bill') on the 26 January.

I have reflected on the conclusions in your report and my response is set out below. To note, where I have used clause references from the Bill, these are consistent with the latest version, as brought from the Commons, dated 6 December.

Legislative consent

I am pleased that the Committee is of the view that the majority of the provisions within LCM No.3 fall within the legislative competence of the Senedd under Standing Order 29, and therefore require the consent of the Senedd.

I note that the Committee remains of the view that clauses 74 and 78 (clauses 54 and 56 as introduced), and also amendments 79 and 80 which related to those clauses, do not make provision for any purpose within the legislative competence of the Senedd. However, I remain of the view that these provisions are within legislative competence, in so far as these clauses relate to devolved matters of public services, economy and business.

Indeed, on 6 February Julia Lopez MP, Minister of State for Data and Digital Infrastructure, wrote to update me on their own devolution analysis on this Part of the Bill. Previously their position had been that provisions within this Part of the Bill were reserved under the internet services reservation and therefore did not require consent of the Senedd. Her letter noted that under the Welsh Devolution Guidance Note consent should be sought when conferring or imposing reserved functions on a devolved Welsh authority. She added that as a result, whilst UKG maintain that these functions are reserved, UKG are now of the view that agreement should be sought for clause 74 and clause 78(3).

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I also note the Committee's view that the amendments to the Bill relating to the National Underground Asset Register will modify the legislative competence of the Senedd. I agree with this conclusion, and you will have seen that I highlighted constitutional policy concerns in paragraph 22 within LCM No.3 around regulation making powers under section 79 of the New Roads and Street Works Act 1991 (so far as exercisable in relation to Wales) being transferred from Welsh Ministers back to the Secretary of State.

Quality of the LCM

The supplementary LCM was laid as near as possible to the two week period required by Standing Order 29.2, which involved analysis of a significant number of amendments in a short period with a view to enabling timely scrutiny. I note the Committee's concerns and remain committed to enabling efficient discharge of the legislative consent process.

There is a clear tension between a two-week period and the ability to provide detailed information. I am aware of the Committee's critical view of these occasions when the Welsh Government has exceeded the two-week period to develop a more detailed response.

Specific clauses of the Bill, outstanding matters and the UK-EU dynamic

I note that the remainder of the Committee's report provides comments regarding specific clauses of the Bill, matters the Committee consider to be outstanding from first report, as well as the UK-EU dynamic. The report also sets out a series of related recommendations and my response to each of these is below:

Recommendation 1 - In line with recommendation 1 in our first report, the First Minister should provide to us, as soon as possible, the Welsh Government's assessment of the devolved implications of a UK-wide Code of Practice about the disclosure of information and the powers being provided to the Secretary of State in the Bill.

Response:

Clause 74 establishes a new information gateway and creates a permissive power for public authorities to share information with registered providers for the purpose of providing digital verification services. Clause 78 gives powers to the Secretary of State to publish a Code of Practice to which public authorities who decide to share information under clause 74 must have due regard.

According to UK Government, this Code will provide information about the necessary steps public authorities should undertake when sharing data through the information gateway. It will signpost relevant legislation and set out best practices for public authorities, including practical guidance on the process public authorities should follow when sharing information.

A UK-wide Code of Practice would apply to all UK public bodies, including those in Wales.

My officials continue to be in discussions with UK Government counterparts with regard to the devolved implications of these provisions.

Once these discussions have concluded, an update of the outcome will be provided through the LCM process.

Recommendation 2. In line with recommendation 2 in our first report, the First Minister should provide to us, as soon as possible, the Welsh Government's assessment of the devolved implications of the regulation-making powers in Part 3 of the Bill.

Response:

Part 3, clauses 85-107 (clauses 61-77 as introduced) makes provision about sharing customer and business information to improve data portability (Smart Data). These clauses allow for the secure sharing of data, upon the customer's request, with authorised third-party providers (ATPs), who would then use the data to provide services to the customer, including automatic account switching, personalised market comparisons and account management services. The customer can be a consumer or a business.

The clauses in Part 3 contain regulation-making powers which will enable the Secretary of State or Treasury to require suppliers (as specified in the regulations), and other relevant persons, to share customer data and business data, to introduce Smart Data schemes in markets across the economy.

As currently drafted, provisions in Part 3 would enable the Secretary of State to make regulations which would apply to the provision of Smart Data schemes within Wales. This is an area where both UK Government and Welsh Government agree devolved subject matter is involved.

Recommendation 3. Given the "constitutional policy concerns" regarding the National Underground Asset Register provisions in the Bill and specifically the return of powers under section 79 of the 1991 Act (so far as exercisable in relation to Wales), the First Minister should escalate this issue to Ministerial level discussions, up to and including the formal dispute resolution procedures, as opposed to discussion at official level.

Response:

I wrote to Julia Lopez MP, Minister of State for Data and Digital Infrastructure, on 23 January setting out our concerns around the UK Government's proposed legislative approach and the impact of the National Underground Asset Register provisions on Welsh Ministers' powers.

Recommendation 4. The First Minister should keep this Committee up-to-date on the discussions between the Welsh Government and the UK Government – at both official and Ministerial level – relating to the National Underground Asset Register provisions.

Response:

An update on the outcome of these discussions will be provided through the LCM process.

Recommendation 5. The First Minister should provide us with details about any action the Welsh Government considers it could take to remedy the transfer to the Secretary of State through amendment NC42 of existing delegated powers in section 79 of the 1991 Act, which are currently exercisable by the Welsh Ministers (so far as exercisable in relation to Wales). Such details should include whether the Welsh Government considers that it would be within the legislative competence of the Senedd to bring forward provisions in a Bill that would re-delegate to the Welsh Ministers the regulation-making powers under section 79 of the 1991 Act which are being transferred to the Secretary of State.

Response:

Legislative competence for the subject matter of Part 3 of the New Roads and Street Works Act 1991 is devolved to Wales. As the Senedd is aware, the current version of

the Bill will (under clause 141, previously amendment NC42) transfer existing executive functions of the Welsh Ministers in this area so as to be solely exercisable by the Secretary of State in relation to England and Wales.

The Welsh Government considers that it would be within the legislative competence of the Senedd to bring forward provisions in a Bill that would re-delegate to the Welsh Ministers the regulation-making powers under section 79 of the 1991 Act (which are being transferred to the Secretary of State). In that scenario, as such a provision would modify a function of a Minister of the Crown, the Welsh Ministers would need to consult the appropriate UK Minister (under paragraph 11(2) of Schedule 7B to the Government of Wales Act 2006).

Recommendation 6. In line with recommendation 3 in our first report, we would welcome a commitment from the First Minister that, where the Welsh Ministers do not make regulations to implement international agreements, and powers in the Bill to do so are instead exercised by the Secretary of State, in any update to the Senedd the Welsh Ministers must provide a detailed explanation in advance of such regulations being made by the Secretary of State.

Response:

Should this occur, the Senedd will be updated of any powers being exercised in devolved areas through the usual process.

Recommendation 7. In line with recommendation 4 in our first report, the First Minister should provide to us, as soon as possible, the Welsh Government's assessment of the Bill's provisions relating to interview notices.

Response:

Clause 41 Interview Notices (clause 38 as introduced) inserts new provisions into the Data Protection Act (DPA) 2018 which confer powers on the Information Commissioner to require certain persons to attend an interview, where non-compliance with particular requirements of the DPA 2018 are suspected.

The provision contains an exemption for the Office for Standards in Education, Children's Services and Skills (OfSTED). However, a similar exemption has not been provided for Welsh Ministers, as the regulator for the equivalent services here in Wales. This means that, as currently drafted, the Information Commissioner would be able to issue an interview notice on these matters in Wales, but not in England. This is still the subject of ongoing discussions.

An update on the outcome of discussions with UK Government in relation to this clause will be provided in due course through the LCM process.

Recommendation 8. The First Minister should confirm if the Welsh Government has received from the UK Government its risk assessment on the Bill and the loss of the UK's current adequacy decision. If it has been received and if the terms of sharing permit, the risk assessment should be shared with the Senedd.

Response:

Welsh Government has not received a copy of the UK Government's risk assessment on the potential impact of the DPDI Bill on the EU's data adequacy decision. On 1 March, the Minister of State for Data and Digital Infrastructure wrote to me, again declining our request for a copy of the UK Government risk assessment, stating that it is important for UKG officials to be able to conduct candid discussions during the policy making process.

Recommendation 9. The First Minister should clarify if there are circumstances in which the Welsh Government would recommend that the Senedd gives its consent to the relevant provisions in the Bill in spite of its concerns about the implications for the UK's current adequacy decision.

Response:

As the Committee will be aware, our recommendations are based on principles which recognise there may be sensible and advantageous circumstances for provision to be made in a UK Bill for Wales. Our final position typically involves consideration of a range of constitutional, policy, political and other factors. Our principles are applied in the context of often complex and fluid negotiations. Different factors have to be weighed up in the effort to secure our policy objectives.

Recommendation 10. The First Minister should confirm whether the Welsh Government is aware of any UK-EU level discussions about the Bill, in particular in relation to the UK's current adequacy decision.

Response:

In her letter of 1 March, the Minister of State for Data and Digital Infrastructure stated that UK Government have been engaging with the European Commission since the commencement of the Bill's consultation process. However, as adequacy is not devolved, Welsh Government has not been party to these discussions.

I am copying this letter to the Minister for Economy, Minister for Finance and Local Government, Minister for Social Justice, and the Counsel General. A copy will also be sent to the Chair of the Culture, Communications, Welsh Language, Sport, and International Relations Committee.

Yours sincerely



MARK DRAKEFORD

Rt Hon Mark Drakeford MS
First Minister of Wales

15 March 2024

Dear Mark

Report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Data Protection and Digital Information Bill

Thank you for your letter dated 8 March 2024, which we considered at our meeting on 11 March, responding to our report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Data Protection and Digital Information Bill (report on Memorandum No. 3). We welcome the responses you have provided to the recommendations in our report on Memorandum No. 3.

This letter will arrive with you shortly before your planned resignation as the First Minister of Wales. I would like to take the opportunity to thank you for your engagement with the Committee in respect of the significant and important matters which fall within our respective responsibilities.

Your letter raises a number of issues on which we would be grateful to receive further clarity and detail. As such, we look forward to receiving a response from your successor to the questions in the Annex at the earliest opportunity and in good time to assist our consideration of any further supplementary legislative consent memoranda for the Bill.

I am copying this letter to the Culture, Communications, Welsh Language, Sport, and International Relations Committee.

Yours sincerely,

Huw Irranca-Davies

Huw Irranca-Davies

Chair



Question 1. On the subject of legislative consent, to date we have held opposing views on whether the purpose of clauses 74 and 78 (clauses 54 and 56 as introduced) relating to Digital Verification Services (DVS) make provision within the legislative competence of the Senedd. The Welsh Government remains of the view that these provisions are within the Senedd's legislative competence, in so far as these clauses relate to devolved matters of public services, economy and business. You also state that:

"Indeed, on 6 February Julia Lopez MP, Minister of State for Data and Digital Infrastructure, wrote to update me on their own devolution analysis on this Part of the Bill. Previously their position had been that provisions within this Part of the Bill were reserved under the internet services reservation and therefore did not require consent of the Senedd. Her letter noted that under the Welsh Devolution Guidance Note consent should be sought when conferring or imposing reserved functions on a devolved Welsh authority. She added that as a result, whilst UKG maintain that these functions are reserved, UKG are now of the view that agreement should be sought for clause 74 and clause 78(3)."

a) Please would you share with us the correspondence received on 6 February 2024 from Julia Lopez MP, the Minister of State for Data and Digital Infrastructure.

Your letter highlights the continued view of the UK Government that clauses 74 and 78 are reserved. However, you also explain that it is the UK Government's Devolution Guidance Note, **Parliamentary and Assembly Primary Legislation Affecting Wales**, which includes a requirement for consent to be sought when provisions in a Bill confer or impose *reserved* functions on a devolved Welsh authority. This appears to be a different requirement to that of the Sewel convention, which recognises that the UK Parliament will not normally legislate in relation to Wales in regard to *devolved* matters. It also differs from the requirements of the Senedd's Standing Orders, specifically Standing Order 29.1 which states that, for the purpose of engaging Standing Order 29, a "relevant Bill" must make provision for any purpose "within the legislative competence of the Senedd" (or modify the Senedd's legislative competence).

b) We would welcome your views on the different criteria and approaches that appear to be applied by the UK Government, the Welsh Government and the Senedd's Standing Orders when assessing whether a Bill's provisions require the Senedd's legislative consent.

Question 2. Recommendation 2 in our report on Memorandum No. 3 reiterates a recommendation we had previously made in our **first report**, that we should be provided with the Welsh Government's assessment of the devolved implications of the regulation-making powers in Part 3 of the Bill. While we acknowledge that the response provided sets out a factual explanation about the regulation-making powers in Part 3, we do not consider that it provides an assessment of their devolved

implications. Please would you provide details of any devolved implications of the regulation-making powers given to the Secretary of State and the Treasury in Part 3 of the Bill.

Question 3. In response to recommendation 3 in our report on Memorandum No. 3, which relates to your “constitutional policy concerns” with the National Underground Asset Register (NUAR) provisions in the Bill, you state that you wrote to the Minister of State on 23 January 2024 setting out the Welsh Government’s concerns around the UK Government’s proposed legislative approach and the impact of the NUAR provisions on Welsh Ministers’ powers.

a) Please would you share with us the correspondence sent on 23 January 2024 to the Minister of State for Data and Digital Infrastructure.

b) In her letter on 6 February 2024, did the Minister of State address the Welsh Government’s concerns regarding the NUAR provisions? If not, have the concerns been addressed in subsequent correspondence (i.e. the 1 March 2024 letter referred to in the responses to recommendations 8 and 10) or is the Welsh Government still awaiting a response on this matter?

Question 4. In response to recommendation 8 and recommendation 10 in our report on Memorandum No. 3, you refer to correspondence received from the Minister of State on 1 March 2024 in respect of the UK Government declining to share with the Welsh Government a copy of its risk assessment on the potential impact of the Bill on the UK’s EU data adequacy decision, and in respect of the UK Government’s engagement with the European Commission on the Bill. Please would you share with us the correspondence received on 1 March 2024.

Julia Lopez MP

Minister of State for Data and Digital Infrastructure

15 March 2024

Dear Julia

The Data Protection and Digital Information Bill

At our meeting of the Legislation, Justice and Constitution Committee on 11 March 2024 we considered a letter dated 8 March 2024 from the Rt Hon Mark Drakeford MS, the First Minister of Wales, in which he responds to my Committee's report on the Welsh Government's Supplementary Legislative Consent Memorandum (Memorandum No. 3) on the Data Protection and Digital Information Bill (report on Memorandum No. 3).

The letter raises a number of matters on which we would be grateful to receive further clarity. Any detail that you would be able to provide would be very helpful to my Committee as we consider the Welsh Government's legislative consent memoranda for the Bill. Given our work is time-critical and linked to the Bill's passage through the UK Parliament, we would welcome a response by 25 April 2024.

I am copying this letter to the Senedd's Culture, Communications, Welsh Language, Sport, and International Relations Committee.

Yours sincerely,



Huw Irranca-Davies

Chair

Question 1. On the subject of legislative consent, to date we have held opposing views to the Welsh Government on whether the purpose of clauses 74 and 78 (clauses 54 and 56 as introduced) relating to Digital Verification Services (DVS) make provision within the legislative competence of the Senedd. In his letter to us on 8 March 2024, the First Minister confirmed that the Welsh Government remained of the view that these provisions are within the Senedd's legislative competence, in so far as they relate to the devolved matters of public services, economy and business. The First Minister also told us:

"Indeed, on 6 February Julia Lopez MP, Minister of State for Data and Digital Infrastructure, wrote to update me on their own devolution analysis on this Part of the Bill. Previously their position had been that provisions within this Part of the Bill were reserved under the internet services reservation and therefore did not require consent of the Senedd. Her letter noted that under the Welsh Devolution Guidance Note consent should be sought when conferring or imposing reserved functions on a devolved Welsh authority. She added that as a result, whilst UKG maintain that these functions are reserved, UKG are now of the view that agreement should be sought for clause 74 and clause 78(3)."

a) To assist our understanding, please would you share with us the correspondence you sent to the Welsh Government on 6 February 2024.

In his letter, the First Minister highlights your continued view that clauses 74 and 78 are reserved. However, the First Minister also explains that it is the UK Government's Devolution Guidance Note, Parliamentary and Assembly Primary Legislation Affecting Wales, which includes a requirement for consent to be sought when provisions in a Bill confer or impose *reserved* functions on a devolved Welsh authority. This appears to be a different requirement to that of the Sewel convention, which recognises that the UK Parliament will not normally legislate in relation to Wales in regard to *devolved* matters. It also differs from the requirements of the Senedd's Standing Orders, specifically Standing Order 29.1 which states that, for the purpose of engaging Standing Order 29, a "relevant Bill" must make provision for any purpose "within the legislative competence of the Senedd" (or modify the Senedd's legislative competence).

b) We would welcome your views on the different criteria and approaches that appear to be applied by the UK Government, the Welsh Government and the Senedd's Standing Orders when assessing whether a Bill's provisions require the Senedd's legislative consent.

Question 2. In response to recommendation 3 in our report on Memorandum No. 3, which relates to the Welsh Government's "constitutional policy concerns" with the National Underground Asset Register (NUAR) provisions in the Bill, the First Minister states that he wrote to you on 23 January 2024 setting out the Welsh Government's concerns around the UK Government's proposed legislative

approach and the impact of the NUAR provisions on Welsh Ministers' powers. Have you responded to the Welsh Government's concerns and, if so, will you share the correspondence with us? If not, when do you anticipate that you will respond to the Welsh Government?

Question 3. In response to recommendation 8 in our report on Memorandum No. 3, the First Minister told us that the Welsh Government has not received a copy of the UK Government's risk assessment on the potential impact of the Bill on the UK's EU data adequacy decision and that you had declined to share it because it is important for UK Government officials to be able to conduct candid discussions during the policy-making process. You will be aware that there may be implications for Wales should the adequacy decision be lost. Please would you share with us the correspondence you sent to the First Minister on 1 March 2024 and/or further explain your decision not to share your risk assessment with the Welsh Government.



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO-91-2024

Huw Irranca-Davies MS
Chair
Legislation, Justice and Constitution Committee
Senedd Cymru
SeneddLJC@senedd.wales

12 March 2024

Dear Huw

Further to my letter sent to you on 4 March 2024, I am writing to update you of the sixth meeting of the UK-EU Relations Inter-Ministerial Group (IMG), which took place on 6 March 2024.

I attended on behalf of Welsh Government. A summary of the discussions is outlined in the attached [Written Statement: Meeting of the Inter-Ministerial Group on UK-EU Relations – 06 March 2024 \(12 March 2024\) | GOV.WALES](#) to Members.

I am copying this letter to the Chair of the Culture, Communications, Welsh Language, Sport, and International Relations Committee, and to the Counsel General and Minister for the Constitution.

Yours sincerely

Vaughan Gething AS/MS
Gweinidog yr Economi
Minister for Economy

CC:

Delyth Jewell, MS, Chair of the Culture, Communications, Welsh Language, Sport, and International Relations Committee.
Mick Antoniw, MS, Counsel General and Minister for the Constitution.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

From: Jamie Medhurst [jms] (Staff)
Sent: Friday, March 8, 2024 7:55 AM
To: Jewell, Delyth (Aelod o'r Senedd | Member of the Senedd) <Delyth.Jewell@senedd.wales>
Subject: Fw: CUTS TO THE CULTURE SECTOR

Dear Delyth,

I am sending this to you for your information as Chair of the Senedd's Culture, Communications, Welsh Language, Sport and International Relations Committee.

Best wishes,

Jamie

From: Jamie Medhurst [jms] (Staff)
Sent: 07 March 2024 14:05
To: Correspondence.Mark.Drakeford@gov.wales <Correspondence.Mark.Drakeford@gov.wales>
Cc: Correspondence.Dawn.Bowden@gov.wales <Correspondence.Dawn.Bowden@gov.wales>
Subject: CUTS TO THE CULTURE SECTOR

Dear First Minister,

I write to you as a regular user of the National Library in Aberystwyth for over 35 years and as Chair of the Academic Advisory Group of the Wales Broadcasting Archive, located in the National Library.

I recognise that we live in difficult times financially, but I am also very concerned to see cuts that will affect our cultural institutions - institutions that have the clear aim of protecting, curating and safeguarding our unique heritage in Wales - in print and multi-media formats. The cuts are exceedingly small within the full Government budget, but the impact on the individual institutions will be deleterious. Jobs will be lost (along with highly valuable professional experience and organisational knowledge), public services will be cut, and the collections themselves will be at risk if the staff and expertise are not in place to maintain them properly.

In the Co-operation Agreement (2021), the Government and Plaid Cymru undertook to 'Develop a new culture strategy, reflecting Wales' diversity, a thriving Welsh language, our arts, culture and heritage sectors and our duties under the Wellbeing of Future Generations Act. We will ensure the financial sustainability of national cultural institutions as we implement the strategy...'. My concern is that this policy is now at risk of failing as a result of the proposed cuts.

I implore the Government to rethink and reconsider these cuts. These cultural institutions are already under stress - further cuts will make things much worse.

Yours faithfully,

Jamie Medhurst



**Jamie Medhurst BA (Hons) MLib PhD
FHEA FRHistS**
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Website: [Staff Profile](#)

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Pronouns: He/His



Ysgrifennwch ataf yn
Gymraeg neu Saesneg



Please write to me in
Welsh or English

Vaughan Gething MS
Minister for Economy
Dawn Bowden MS
Deputy Minister for Arts, Sport and Tourism
Welsh Government

13 March 2024

Welsh Government Draft Budget 2024-25

Dear Vaughan and Dawn

Thank you for your [letter](#) dated 1 March 2024, responding to the Committee's report, '[Scrutiny of the Welsh Government's Draft Budget 2024-25](#)'.

1. It has been two and a half years since the Welsh Government committed to a new Culture Strategy to engage with the arts, culture, and heritage sectors as part of its Programme for Government, and subsequently the Co-operation Agreement. We note in your response that the revenue allocated to delivering the Culture Strategy in 2024-2025 is being repurposed to mitigate against the impact of job losses in the culture and heritage sectors. Whilst we welcome the action that has been taken to secure as many jobs as possible, we would welcome an outline of the effect that this will have on timescales for the delivery and implementation of the long-awaited Culture Strategy.
2. In the Committee's report, and other [correspondence in January and February 2024](#), we have raised concerns about the backlog of maintenance and upgrade works required around the estates of Amgueddfa Cymru and the National Library of Wales. We heard in evidence from Amgueddfa Cymru in [December 2023](#) that the present condition of the National Museum building in Cardiff presents a real risk to our national treasures and that staff are even on standby in heavy rain to take paintings off walls to protect them from water ingress. We have urged you to make protecting the national collections a cross government mission and to find additional funding to ensure that the national collections are properly safeguarded.

- 3.** Following publication of the Committee's report, we continue to receive representations expressing concern about the catastrophic impact of the budget cuts on the heritage and culture sector in Wales, and for the Books Council Wales. This will inevitably result in a reduced workforce and permanent loss of specialist knowledge and expertise, in addition to significantly reduced programmes of work that contribute to achieving the Welsh Government's aims and objectives.
- 4.** As a Committee, we acknowledge the exceptionally difficult decisions you have had to make when it comes to next year's budget, and the need to protect core public services. Should there be any further consequential funding allocation from the UK Government during the next financial year, we would strongly advocate that priority consideration be given to those organisations and arms-length bodies in the culture and heritage sectors, and to addressing the ongoing risks to the national collections.

Yours sincerely



Delyth Jewell MS
Committee Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Chair, Children, Young People, and Education Committee

Chair, Climate Change, Environment, and Infrastructure Committee

Chair, Culture, Communications, Welsh Language, Sport, and International

Relations Committee

Chair, Economy, Trade, and Rural Affairs Committee

Chair, Equality and Social Justice Committee

Chair, Health and Social Care Committee

Chair, Legislation, Justice and Constitution Committee

Chair, Local Government and Housing Committee

22 March 2024

Dear Committee Chairs,

Scrutiny of the Draft Budget

You will recall that I wrote last year inviting Committees to express views on improvements that the Welsh Government could make to the documents it produces alongside its Draft Budget and in ministerial written evidence provided to Committees.

Your responses were considered by the Committee on 21 June 2023 and I subsequently wrote to the Minister for Finance and Local Government (the Minister) on 23 June 2023 asking for the concerns raised to be taken into account ahead of the 2024-25 budget round. These related to:

- the late publication of the Draft Budget leading to truncated scrutiny;
- a lack of transparency regarding the impact that the Draft Budget has on policy areas within each Committee's remit;
- the poor quality of written evidence provided by the Welsh Government; and
- the Welsh Government not providing responses to certain Committee recommendations ahead of the Final Budget debate.

These issues were raised again during the consideration of the Welsh Government Draft Budget 2024-25 earlier this year. Our report made the following recommendations and conclusions building on the views previously expressed:

***Conclusion 2.** The Committee will consult Senedd Committees involved in budget scrutiny ahead of the 2025-26 budget round to gain a better understanding of the evidence provided by the Welsh Government in support of the Draft Budget, and to explore ways to maximise budgetary scrutiny throughout the year*

***Recommendation 1.** The Committee recommends that the Minister publishes ministerial evidence papers at the same time as the Draft Budget in order to provide clarity on the criteria and priorities behind ministerial decisions, with the aim of enabling stakeholders to engage in the scrutiny process more effectively and at an earlier stage.*

***Recommendation 2.** The Committee recommends that, if the Draft Budget is delayed again in future years:*

- *the Minister and officials continue to attend a pre-scrutiny session with the Finance Committee; and*
- *the Minister works with the Finance Committee to identify approaches that can enhance scrutiny opportunities, including providing documentation relating to the Draft Budget, at an earlier stage.*

These recommendations were accepted in principle, with the Minister highlighting the practical difficulties in responding to the quantity of information requested by individual committees, at the same time as the publication of the Draft Budget.

We therefore ask you to consider the following issues, and to provide a response by Friday 24 May 2024.

- What improvements, if any, have you seen in the documentation provided by the Welsh Government alongside the Draft Budget 2024-25?
- Have you identified any further improvement that could be made to the information provided alongside the Draft Budget?
- Given the short time available for scrutiny, what consideration, if any, have you given to scrutinising budgetary matters within your remit at an earlier stage, for example considering longer terms strategic planning, following up on previous scrutiny recommendations or pre-scrutiny of decision making processes before the Draft Budget is published?

- The Committee is also currently working with the Minister and other stakeholders to review the Budget Process Protocol to ensure that the Senedd's budgetary processes reflect custom and practice developed in the Sixth Senedd to date. Do you have any views regarding the Senedd's budget procedures more widely?

We are grateful to you for your ongoing engagement with us on these matters and welcome any further correspondence responding to the points above.

Our aim is to raise these issues on behalf of Committees with the Minister in advance of the Plenary debate on budget priorities for 2025-26 that will take place before summer recess.

Yours sincerely,



Peredur Owen Griffiths MS
Chair, Finance Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Ein cyf/Our ref: MA/VG/3064/24

Delyth Jewell AS/MS
Chair of the Culture, Communications and Welsh Language Committee,
Sports and International Relations Committee

04 April 2024

Dear Delyth,

Thank you for your correspondence of 13 March in relation to the final budget 2024-25 for the Economy Main Expenditure Group which was published in December. As Culture is now within my Portfolio, I am responding to you. Please find enclosed the further information as requested to inform your ongoing budget scrutiny.

Culture Strategy

Welsh Government, working with the Plaid Cymru Designated Member, remain committed to the publication of the Culture Strategy, which is a Programme for Government and Co-Operation Agreement. However, we recognise the strategy needs to be considered within the context of the current financial challenges and its impacts on our sectors. It was agreed we should pause and reflect on the impacts of the budget proposals on the sector, and the draft Strategy has been refined and streamlined accordingly over the last few months.

On 19 March the former Deputy Minister for Culture, Sport & Tourism issued a statement setting out the next steps for the Culture Strategy¹. We are preparing to launch a public consultation on the Strategy in May, which will run for eight weeks. We encourage everyone with an interest in the future of culture in Wales to read the Strategy and participate in the consultation. We strongly believe this is the right Strategy for the current financial climate. It provides strategic direction for our cultural sectors, and clearly states our long-term ambitions, while setting out the flexible and scalable priorities we will focus on to achieve them.

¹ <https://www.gov.wales/written-statement-next-steps-culture-strategy-wales>

Prioritising Spending to Safeguard the National Collections.

We are fully aware of the challenges Amgueddfa Cymru and the National Library of Wales face in maintaining aging buildings, challenges that are shared by institutions across the UK. We are in regular discussions with our national institutions, helping to respond to the challenges they face for example, in 2023-24, Amgueddfa Cymru received £2m to tackle long-term maintenance issues and help fund the redevelopment of the National Slate Museum. In 2022-23, the National Library received £500,000 for a new fire system to ensure the safety of its collections and received £250,000 in 2023-24 for priority maintenance work.

The former Deputy Minister for Culture, Sport & Tourism recently met with the Chief Executives and Chairs of Amgueddfa Cymru, and the National Library. She was reassured the national collections are currently safe. However, despite Amgueddfa Cymru receiving £5m a year in capital funding through grant in aid, significant investment is needed to address maintenance issues at the National Museum Cardiff. Amgueddfa Cymru is working with us to develop a plan so we can identify the financial support available over the next five years. Given the importance of the collections and the potential size of the work required, this may need to be tackled by co-operation across Government, rather than a single department.

Welsh Government Redundancies in Arm's Length Bodies (ALBs)

In preparing the 2024-25 Budget, Ministers have made the most stark and painful budget choices in the devolution era. We recently agreed with the Plaid Cymru Designated Member our immediate and short-term focus must be on supporting jobs. Cooperation Agreement funding has already been used for this purpose. Additionally, we have agreed funding allocated to delivering the Culture Strategy next financial year is re-purposed to mitigate against the impact of job losses at Amgueddfa Cymru, the National Library, the Arts Council of Wales and the wider arts sector. Since the draft budget was published, we have also found additional funding for Cadw and the Royal Commission on the Ancient and Historical Monuments of Wales.

Further Consequential Funding

Our national collections are an integral part of our heritage. We will continue to play our part in ensuring they are safe for future generations. This includes continuing to prioritise funding to our arm's length bodies to protect the national collections.

Yours sincerely,



Lesley Griffiths AS/MS
Ysgrifennydd y Cabinet dros Ddiwylliant a Chyfiawnder Cymdeithasol
Cabinet Secretary for Culture & Social Justice

Agenda Item 4.5

The New Welsh Review Ltd
PO Box 170
Aberystwyth
SY23 1WZ
editor@newwelshreview.com

19 March, 2024

Dear Delyth Jewell

I am writing to correct the impressions given in the letter to yourself by Helgard Krause, Books Council of Wales CEO, dated 20 December 2023, in which she refers to broader priorities of the Council, outlined in their 5-year Strategy (2022-27) (<https://llyfrau.cymru/wp-content/uploads/2021/11/Strategic-Plan-2022-2027-P.pdf>). In addition, I raise a few additional broader points that I hope the Committee might consider in relation to funding decisions of Wales' book- and magazine publishing sector in the immediate and medium-term future.

In Ms Krause's letter, reference is made to incumbent funded bodies that were unsuccessful in autumn 2023's magazines franchise tender: clearly, these refer to Planet the Welsh Internationalist and ourselves, New Welsh Review. I happen to know that the editor of Planet has already written to you to raise some similar points to my own. Both myself and Planet's editor were present in the interview held by BCW for applicants for the next funding round (starting April 2024), as was (in the case of our own interview) NWR's finance and administration officer and NWR's Chair of the Board, the former National Librarian of Wales.

1. 'Incumbency'. Is Ms Krause's stated policy for BCW of 'challeng[ing] incumbency' (<https://llyfrau.cymru/wp-content/uploads/2021/11/Strategic-Plan-2022-2027-P.pdf>) an appropriate goal for a body set up to support what is widely acknowledged to be the fragile publishing industry of a small bilingual nation, one that is unique within the UK? Further, would the Committee consider the implications of this stated, quite radical policy, taking into account its risks and benefits in relation to the stability of the wider publishing industry in both languages? Perhaps the Committee may also wish to consider whether the idea of 'challeng[ing] incumbency', as presented in BCW's 5-year Strategy, is the most effective means of aiding diversity, considering our delicate publishing eco-system? How transparent is it for BCW to present 'incumbency' only in a negative light in the context of 'diversity', particularly since no comprehensive detailed audit has been conducted nor published recently by themselves regarding the present state of publishing clients in terms of diversity and inclusivity? I believe that there is a danger of tropes of 'diversity' and 'incumbency' being pronounced in order to hide funding decisions which would be more transparently regarded as being economic in motive.
2. 'Sustainability'. Ms Krause states in her letter: 'During the current tender round some, but not all, of the magazines, made the case that their business model was no longer sustainable. This would have remained the case even if the grant could have

been increased.’ This is (once again, as is the case with references to ‘incumbency’ outlined above) clearly directed at the two ‘incumbent’ unsuccessful applicants, ourselves and Planet. The definition set out in Ms Krause’s letter regarding ‘sustainability’ is vague (and in fact conflates the notion of *economic* sustainability with *ethical* sustainability in terms of labour terms and conditions) and was not communicated to applicants during the application procedure. It also seems to be at odds with the specific requirements for non-public funded income as defined in the BCW’s own guidelines for the 2024+ franchise. Their 2024+ funding round guidelines circulated in autumn 2023 stated: ‘The grant level for general and literary magazines will be aimed towards reaching a gearing ratio of 2:1 (i.e. BCW funding would provide up to two thirds of the total income of the magazine, with at least a third of income to be generated by the magazine publishers through sales, advertising revenue, sponsorship, contribution in kind etc)’. This ‘gearing ratio’ was established following a previous rigorous, transparent consultation review (2013: https://llyfrau.cymru/wp-content/uploads/2021/01/A_Review_of_English-language_Magazines_in_Wales_-_July_2013.pdf) of funding priorities conducted by the highly esteemed Tony Bianchi. Surely BCW’s definition of [economic] ‘sustainability’ should have been defined (for applicants) in the context of that ‘gearing ratio’ (2:1) stated in their own current application guidelines? In the case of New Welsh Review, our application satisfied that very gearing ratio as well as other milestones for economic stability; how, therefore, can the impression in all honesty be given that our application suggested we were ‘unsustainable’? If BCW were basing their decision on some other definition of ‘sustainability’ (for example a body’s being housed within a financially generous larger organisation or the provision of a commercial business plan), then that was not communicated at any stage by them during the application procedure. With reference to NWR, it is absolutely not the case that we would have been, in BCW’s vague term ‘no longer sustainable... even if the grant could have been increased’, and in any case how could BCW know of our intentions as they did not, at any point following their communication of their decision, open negotiations regarding any revised grant offer, either higher nor lower?

3. Ms Krause’s letter quotes, in reference to a question raised about the judgement process during application procedures for major clients: ‘Officers hold regular annual appraisal meetings with grant recipients’. But no BCW annual review-meeting took place with NWR during 2022 nor at any time in relation to the progress of the last two years of our franchise, despite frequent requests from NWR regarding the scheduling of the 2022 annual review meeting which would normally take place at the end of the year following the submission of our annual report.
4. Finally, we are concerned about what appears to be an emergent policy of communications and practice at BCW which suggests an apparently increasingly Machiavellian approach to clients. One example of this would be the failure of BCW to include NWR’s recently awarded New Audiences funded project of £15K in their 11 March 2024 announcement of this financial year’s funding projects and recipients, which was only rectified after two requests and even when rectified (<https://llyfrau.cymru/wp-content/uploads/2024/03/Crynodebau-Prosiectau->

Project-Summaries-2023-24-Mawrth-2024-1.pdf), introduced an erroneous element by adding 'Parthian Books' as the project's joint originators and recipients (a partnership between Parthian and NWR did become effective from late February 2024 but was not in place when New Audiences funding was applied for or received by NWR alone, a fact which BCW was wholly aware of). It is difficult to see these obstacles and apparent errors in any other light than that we should be 'chastised' for our public campaign (small in scale) about likely levels for our funding (alongside Planet we were part of the Save Welsh Magazines Open Letter campaign on working conditions prior to our application's submission). Taken together, all this may be contributing to a climate of fear across the sector in both languages. In turn, if allowed to develop, such fear could develop into self-censorship, damaging the fundamental principle of freedom of speech. This is especially concerning in relation to magazine and website clients, whose duty it is to report without prejudice on issues of the day, whether or not they are funded by a particular body or indeed depend on that body for services such as distribution, the loss of which could be detrimental to commercial viability and indeed, economic sustainability.

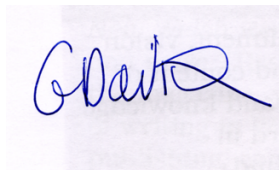
I leave on a personal note. I am a former Arts Council of Wales Literature Officer with nearly forty years of experience across our magazines and book publishing sectors as editor and publisher. This includes making literary translations from Welsh to English, mentoring, offering commercial online manuscript assessment as part of the rewards in a crowdfunder, and adjudications for writer's bursary, cross-art form major grant and literary prize submissions. My editorial success stories include prizewinning authors such as Jasmine Donahaye, Kerri ní Dochartaigh, Carole Hailey, Crystal Jeans, Rachel Trezise, Richard Gwyn, Hayley Long, Tristan Hughes and Gee Williams. Moreover I have helped shape New Welsh Review as a female-led outfit both in turns of leadership and of our contributors' pool. In addition to which, I am myself neurodivergent (living with ADHD) and have pioneered articles and debate from this perspective in my pages. These factors all make any superficial use of terms of diversity by funding bodies an especially galling matter.

I acknowledge that broader global changes are at play affecting our magazine sector in particular, and also that the Welsh government has shifting priorities (which to a great degree a funding body may feel they must follow in order to retain their own funding levels and grant-giving capacity). Those technological factors, however, were addressed in a comprehensive, timely, transparent and respectful fashion by the 2013 Bianchi report, following which new clients were introduced and all of us (regardless of the current state of our websites) committed to multi-format publication and have been constantly innovating as companies since then. But frankly, the way in which myself, my immediate colleagues and my valued compatriots in the wider sector have been treated during the transition to the next funding round for magazines is nothing short of appalling, in my opinion, and I know that my views are widely shared. Both Planet and ourselves were happy to help develop the next generation of publishing staff, with a particular view to sustaining priorities of inclusivity and diversity. All we did was hope for a bit more money to help the Council achieve those aims. Now it appears that they have listened retrospectively (that is after the horses have bolted) to those arguments by offering a new franchise for a literary magazine at a level of grant which ourselves, Planet and the third incumbent magazine, Wales Arts Review, would judge ideal (although NWR in fact did only request the required capped £55K

in our application). And yet we all three have been deliberately frustrated in applying for that fund through our being allowed, indeed, it appears, encouraged to go to the wall before any such application could be possible. What a waste of home-grown talent and cultural sensitivity built over years, what a waste of public resources, what a poor handling of a transition towards a more diverse publishing sector, all of which could have been spent on publishing projects but were in fact directed towards wholly avoidable redundancy and legal costs for winding up companies or putting them to sleep, as well as placing additional pressure on the staff of the Books Council itself who suddenly had to implement the consequences of these ill-advised decisions at a time when the Council itself was facing cuts and also would appear to be facing its own staff retention issues.

I look forward to hearing whether the Committee may be interested in taking any of these points on board.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Gwen Davies', is centered on a light-colored rectangular background.

Gwen Davies
Editor, New Welsh Review
Publisher, New Welsh Rarebyte book imprint

Agenda Item 4.6

Good morning

I am delighted to introduce you to Leighton Davies, who has been appointed as the new Chief Financial Officer of the Welsh Rugby Union.

Leighton will join us next month and the hugely positive contribution we expect him to make to the future of the game in Wales will be most welcome.

The media statement below will be issued this morning from 11 am and gives you further information about Leighton's background and experience.

The statement below also confirms a new Board appointment for Alison Thorne, who becomes our Senior Independent Director and gives the very best wishes of everyone at the WRU to Dan Mills, who has decided to leave his current role as interim Finance Director after completing a handover period – and does so with our best wishes and blessings.

Yours,

Abi Tierney
WRU Group CEO

Leighton Davies has been appointed Chief Financial Officer at the Welsh Rugby Union Group. The high profile role is the first senior management appointment of new Group Chief Executive Abi Tierney's tenure.

New CEO Tierney took over from interim CEO Nigel Walker in January 2024, with Walker moving to another Executive Board post, Executive Director of Rugby, on her arrival.

Davies is currently Global Controller at Puro-lite, an Ecolab Company, having previously spent seven years with them as Finance Director, International Operations.

He is a Fellow of the Institute of Chartered Accountants and graduate of Cardiff University who hails originally from Crynant in the Dulais Valley.

After training as a Chartered Accountant with Ernst Young he has embarked on a varied international career spanning sectors across Chemicals, Aviation, Transportation, Media and entertainment and most recently Life Science and Bioprocessing.

Before Puro-lite, he worked at the BBC as a Finance Director for three years. Prior to that he held senior finance roles at GE Aviation and Network Rail.

"This is an exciting time to be joining Welsh rugby and I'm really looking forward to the challenge, to helping get to grips with the issues affecting our clubs, the professional game and our communities and to playing my part in finding the solutions that will help the game grow to its full potential," said Davies.

"I am a finance leader with proven commercial business acumen, I will bring an ability to see and help drive the big commercial picture as well as ensuring the finance function at the Welsh Rugby Union is efficient, effective and reliable for all other parts of the business."

"Rugby means more to us in Wales than it does in any other nation around the globe and this is a role I will relish."

Davies will start as Chief Financial Officer next month with interim Finance Director Dan Mills remaining in post during a handover period, after which time he intends to take a well-earned break before moving to seek new opportunities.

"It has been vitally important for us to find the right person to fill this CFO position and, in Leighton, we have found someone who is not only passionate about the game in Wales"

but who brings a wealth of relevant operational experience, commercial acumen and gravitas to the role,” said CEO Tierney.

“Leighton joins us at a time when we are designing a new strategy for the game in Wales and his insight and expertise will be invaluable to that process, just as it will be to the business and operational management of Welsh rugby in the months and years ahead.”

Tierney added: **“I can’t let this moment pass without offering my heartfelt thanks to Dan Mills for all that he has done over the last year.**

“He will leave Welsh rugby with the blessing and best wishes of all those who have worked with him during his time here and, equally, I know he would be welcomed back with open arms should he ever decide the time is right to return.”

In a further advancement for the governance of Welsh rugby, WRU Board member Alison Thorne has been appointed to a new position of Senior independent Director (SID).

The Board completed an interview process earlier this month and officially appointed Thorne at the Group’s recent monthly meeting.

Richard Collier-Keywood, who made history when he was named as the WRU’s first independent Chair in June last year, joined the new WRU Board at the same time as Thorne who was brought in as one of four new iNEDs in the summer of 2023.

“I am delighted Alison has accepted the position of senior independent director on the WRU Board,” said Collier-Keywood.

“This is a new role for the WRU but it is a vital part of good governance to have a senior independent director in place to act as a focal point for other directors as necessary to ensure that I, as chair, am accountable for my performance and behaviours. This is something that is widely regarded as best practice for a good strong Board.”

Alison is a former chair of leading equality charity Chwarae Teg. She is the Lead in Wales for Women on Boards and Chairs Barcud Housing and National Dance Company Wales.

“We have a dynamic and diverse Board in place to govern Welsh rugby, one that has already progressed significantly in a short period of time,” said Thorne.

“I see my role as one that supports the chair but also helps to hold the chair accountable and can work as a conduit between the chair and other Board members and stakeholders.

“We feel we have the right recipe in place in terms of the levels of expertise, different lived experience and diverse opinion available to us to make better and more meaningful decisions and we are all hopeful and optimistic about what we will be able to achieve as a result.”

The full composition of the WRU Board is:

Amanda Bennett, Richard Collier-Keywood (Chair), Claire Donovan, Chris Jones, John Manders (CGB chair), Jennifer Mathias, Jamie Roberts, Alison Thorne (SID), Abi Tierney (CEO), Malcolm Wall (Chair of PRB); Colin Wilks, Andrew Williams

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**Culture, Communications, Welsh Language,
Sport, and International Relations
Committee**

The Rt Hon the Lord Goldsmith KC
Chair, International Agreements Committee
House of Lords
London
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25 March 2024

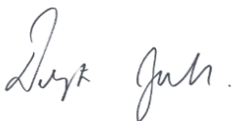
UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage

Dear Lord Goldsmith,

Our Committee has recently considered the UK Government's plans to ratify the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. We have agreed to maintain a watching brief over implementation of the convention as it relates to devolved matters falling within our remit. We await with interest the findings of the UK Government's public consultation on the first stage of the convention's implementation. I write to share with you the **responses** we have received from the Welsh and UK Governments about the involvement of the devolved administrations in these plans and the anticipated benefits of the convention for our shared cultural heritage.

We welcome the International Agreement Committee's support in the securing of international agreements, and we will continue to copy you into future correspondence on matters of shared interest. I am copying this letter to the Chair of the Senedd's Legislation, Justice and Constitution Committee.

Yours sincerely



Delyth Jewell MS
Committee Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 4.8

Y Pwyllgor Deisebau

Petitions Committee

Jane Hutt MS
Minister for Social Justice
Welsh Government
Tŷ Hywel
Cardiff Bay
CF99 1SN

23 February 2024

Dear Minister,

Petition P-06-1387 Provide humanitarian aid to Gaza

Thank you for your letter of 17 January, which the Committee considered most recently at our meeting on 29 January.

At the meeting Members agreed to write back to you to seek confirmation whether, in the event the Disasters Emergency Committee (DEC) were to launch an appeal, the Government would consider providing humanitarian aid?

Members also encouraged the Government to meet with the humanitarian charities involved in the DEC appeal in Wales to see what further action can be taken.

Further information about the petition, including related correspondence, is available on our website at: <https://business.senedd.wales/mglIssueHistoryHome.aspx?Ild=42609&Opt=0>

If you have any queries, please contact the Committee clerking team at the e-mail address below, or on 0300 200 6454.

I would be grateful if you could send your response by e-mail to the clerking team at petitions@senedd.wales.

Yours sincerely



Jack Sargeant MS

Senedd Cymru

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Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Agenda Item 7

By virtue of paragraph(s) ix of Standing Order 17.42

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Agenda Item 8

By virtue of paragraph(s) vi of Standing Order 17.42

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