



Y Gwir Anrhydeddus Elin Jones AS

Llywydd, Senedd Cymru

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David Rees MS

Chair

Reform Bill Committee

01 December 2023

Dear David,

Senedd Cymru (Members and Elections) Bill Evidence Session

Thank you for the opportunity to attend your Committee's meeting on 26 October 2023.

During the course of the meeting, I agreed to provide further information on two points:

- an explanation of the difference between the cost estimates presented in Annex F to the Expert Panel on Assembly Electoral Reform's 2017 report *A Parliament that works for Wales*, and the cost estimates presented in the Explanatory Memorandum accompanying the Senedd Cymru (Members and Elections) Bill; and
- details of the Senedd public appointments that might be affected by the proposed reversion to four-year Senedd terms.

This further information is enclosed with this letter.

Yours sincerely,

The Rt. Hon. Elin Jones MS/AS

Llywydd

Further information following the Llywydd and Chief Executive and Clerk's appearance before the Reform Bill Committee on 26 October 2023

The Expert Panel on Assembly Electoral Reform: estimated costs of additional Members

Context

The Expert Panel on Assembly Electoral Reform's ("the Expert Panel") report was commissioned in 2016 and the cost estimates contained within it finalised by the then Assembly Commission in the first half of the 2017 autumn term.

The current Llywydd and Clerk and Chief Executive were in post at the time of the Expert Panel report's publication on 12 December 2017, the latter having joined the organisation in April of that year.

The cost estimates were presented in Annex F to the Expert Panel's report and were based on scenarios first developed in 2015 where the Senedd increased in size by 20 or 30 Members.

Comparing the cost estimates

The cost estimates included in the Expert Panel's report were prepared on a different basis to the cost estimates prepared for the Regulatory Impact Assessment ("the RIA") that accompanies the Senedd Cymru (Members and Elections) Bill ("the Bill"), and for a different purpose, and are presented differently.

As stated in the Expert Panel's report, the 2017 estimated costs provide "[...] *an indicator of magnitude rather than precise predictions*" based on possible increases in the number of Members, whereas the cost estimates prepared for the RIA represent a best estimate of the costs arising from the specific legislative proposals provided in the Bill and more detailed underlying assumptions.

The costs for the Expert Panel were presented with the same caveats as are attached to the current best estimates i.e.

Any estimate of the cost of a larger Assembly must be treated with caution. Actual costs will depend on a range of factors, from the political composition of the institution and decisions about committee and Plenary arrangements, to practical decisions on Assembly Commission staffing and priorities.

[A Parliament that works for Wales, Annex F, page 233]

The Commission produced cost estimates for the Expert Panel on the basis of an additional 20 or 30 Members. The underlying assumptions (as set out in Annex F to the report) are different to those which underpin the RIA estimates. The way in which the Senedd operates has changed since 2017, and the approach to adapting the Senedd estate in Cardiff has also changed since 2017.

The accommodation of Members in Tŷ Hywel provides an example of the different assumptions used. The 2017 cost estimates for Members' office accommodation in Cardiff Bay were based on the assumption that space in Tŷ Hywel would be converted to accommodate Members, with Commission staff being relocated to external accommodation to enable this. The £1m - £1.65m

estimated in 2017 for "Tŷ Hywel accommodation" therefore includes rental, fit out and the decant of Commission staff space from Tŷ Hywel. As described by the Llywydd during the evidence session on 26 October 2023, this assumption has changed due to differences in ways of working post-pandemic, with a move to an additional external location no longer necessary due to lower occupancy rates in Tŷ Hywel.

Senedd public appointments which could be affected by the change in the duration of Senedd terms.

Included below is a list of public appointments made by the Senedd, the Senedd Commission, or His Majesty on the nomination of the Senedd, which the Committee may wish to consider when investigating the impact of a change in the length of Senedd terms.

The change in duration of a Senedd term will not necessarily be problematic in terms of the terms of office of the public appointments listed.

The drivers which determine the length of their term in office in legislation will vary according to the functions of each of these public appointments and will have due regard to the effectiveness. The interaction between the duration of public appointments and parliamentary terms can be a consideration from the perspective of administering appointments and perceptions of independence of statutory officeholders and their ability to act without fear or favour. In addition, two of the category of offices relate specifically to Members of the Senedd, namely the Standards Commissioner and the Independent Remuneration Board.

We have, therefore, drawn this to the Committee's attention as a matter it might wish to consider.

1. Auditor General for Wales

The post can be held by an individual for a maximum of **eight** years. If the office becomes vacant, a temporary designation may be made in place of the Auditor General. The current Auditor General has been in the post since 21 July 2018.

2. Chair and Non-Executive Members of the Wales Audit Office

Non-executive members of the Wales Audit Office are appointed by the Senedd, for a term of no more than **four** years and a maximum of two terms total. A Chair is appointed by the Senedd from amongst the non-executive members.

3. Public Services Ombudsman for Wales

The Public Services Ombudsman for Wales is appointed for a term of **seven** years. His Majesty can appoint an acting Ombudsman if the office becomes vacant for any reason. The current Public Services Ombudsman for Wales took up the post on 1 April 2022.

4. Commissioner for Standards

The Senedd Standards Commissioner is appointed for a term of **six** years. The current Commissioner was appointed for the term on 1 April 2021.

5. Independent Remuneration Board of the Senedd

Members of the Independent Remuneration Board ("the Board") are appointed for a fixed term of **five** years, and may serve a maximum of two terms total. The National Assembly for Wales (Remuneration) Measure 2010 requires the Board to make a determination on Members and Office Holder salaries for each Senedd term, and so far as is reasonably practicable, make these determinations before the end of the term of the Senedd which precedes it. The current Board's term began in September 2020. In September 2025, seven months before the election, at least two new members will be required to be appointed to the Board, due to two current members reaching the maximum two term allowance.