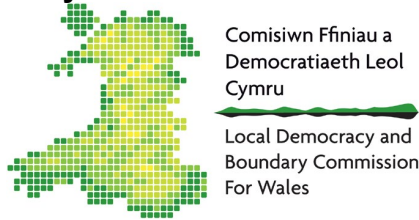


Committee on Assembly Electoral Reform
Electoral systems and boundaries
ESB 05 Local Democracy and Boundary Commission for Wales

Tŷ Hastings
Llys Fitzalan
Caerdydd
CF24 0BL



Hastings House
Fitzalan Court
Cardiff
CF24 0BL

E-bost:
ymholiadau@ffiniau.cymru
www.cffdl.llyw.cymru

☎ (029) 2046 4819
Ffacs/Fax (029) 2046 4823

E-mail:
enquiries@boundaries.wales
www.ldbc.gov.wales

Dawn Bowden AM
Chair, Committee on Assembly Electoral Reform
National Assembly for Wales
Pierhead Street
Cardiff
CF99 1NA

19 February 2020

Dear Ms Bowden AM,

Thank you for the invitation to provide a response to the consultation on the Inquiry into Electoral Systems and Boundaries.

Having considered the Terms of Reference and the remit of the Commission, it was felt that the most appropriate input would be to give the Committee an insight into the operational arrangements of the Commission in running the Secretariat.

There is currently no legislative mechanism for the review of Senedd constituencies to take place and comments have been included in the Commission's response to highlight considerations that should be given in the drafting of such legislation.

In the event legislation is drafted to direct the review of Senedd constituencies, the Commission is of the opinion that it has the qualified and experienced staff in place to function as the Secretariat of such a Commission.

Please do not hesitate to contact the Commission should you require additional information and clarification.



Shereen Williams

Prif Weithredwr / Chief Executive
Comisiwn Ffiniau a Democratiaeth Leol Cymru
Local Democracy and Boundary Commission for Wales

Inquiry into Electoral Systems and Boundaries
Written Evidence Submission

Local Democracy and Boundary Commission for Wales (The Commission)

1. The Local Democracy and Boundary Commission for Wales is a Welsh Government Sponsored Body established in its original form by the Local Government Act 1972 and under its current name and functions by the Local Government (Democracy) (Wales) Act 2013. The Commission's duty under the legislation is to monitor the areas and electoral arrangements relevant to local government in Wales for the purpose of considering whether it is appropriate to make or recommend changes. In carrying out its duties the Commission must seek to ensure effective and convenient local government.
2. A framework has been agreed between the Commission and its Welsh Government Sponsor Division (Local Government Democracy Division). This sets out the framework within which the Commission operates and details the terms and conditions under which the Welsh Ministers provide grant-in-aid to the Commission.
3. Each year Welsh Ministers set out the Government's policy aims and areas of key performance indicators by means of a Remit Letter to the Commission. The Remit letter also includes details of the voted grant-in-aid figure and related budgetary control totals for the coming financial year.

The Commission's Secretariat also supports the Boundary Commission for Wales which is responsible for reviews of United Kingdom Parliament constituencies in Wales. The Secretariat is funded separately by the Cabinet Office for that work. The Boundary Commission for Wales has submitted a separate response.

If a similar 'Commission' approach is to be used for reviewing Senedd constituencies, the Secretariat has the experience and expertise of supporting the a Senedd Boundary Commission.. Practicalities such as the resourcing arrangements, number of Commissioners and any additional requirements should be considered e.g. appointments of Assistant Commissioners, role of Accounting Officer etc. The legislation can either include the parameters of the constituencies (in line with the parliamentary legislation) or directs the Senedd Boundary Commission to develop a policy and practice which sets out the parameters (currently in practice within the electoral reviews)

Reviews and Voting Systems

4. The Local Government (Democracy) (Wales) Act 2013 (the 2013 Act) requires the Commission to conduct a review of the electoral arrangements for each principal area at least once every ten years. The ten-year period began at the beginning of October 2013 and ends at the end of September 2023.

5. Following a Ministerial request to suspend the start of the programme, in June 2016 the then Cabinet Secretary for Finance and Local Government wrote to the Commission to request the commencement of a programme of electoral reviews to be completed in time for the 2022 local government elections.
6. The Commission's current Policy and Practice for the 2017 Electoral Reviews Programme is based on 'First Past the Post' (FPTP) system. This policy provides for recommendations to be made that each electoral ward will be represented with between one and four members depending on the characteristics of the ward.
7. Currently, there are on-going legislative proposals to enable principal-councils to choose either FPTP or 'Single Transferable Vote' for future electoral cycles.

The Commission carries out reviews on the basis of the electoral systems that is set out within the legislation and does not have a preference or recommendation in relation to this matter. The Commission will be guided by the system that is set out in legislation when carrying out reviews. Issues to consider particularly if utilising STV is the minimum and maximum number of members for proposed constituencies and the allocation of regional seats for Senedd constituencies.

Role of Commissioners

8. The Chair and Commissioners are appointed by the Minister for Housing and Local Government and made in accordance with the Commissioner of public appointments' code of practice. Section 4(1) of the 2013 Act states the composition of the Commission consists of a Chairperson, Deputy Chairperson and not more than three other Members.
9. The role of the Commissioners is to:
 - provide effective leadership; defining and developing strategic direction and setting challenging objectives;
 - promote high standards of public finance, upholding the principles of regularity, propriety and value for money;
 - ensure that the Commission's activities are conducted efficiently and effectively; and
 - monitor performance to ensure that the Commission fully meets its aims, objectives and performance targets.
 - representing the views of the Commission to the public and its stakeholders.
 - Ensure that the reputation of the Commission is enhanced and maintained through the actions and decisions of the commission and the way these are communicated to stakeholders.

10. In particular the Commissioners are responsible for:

- establishing and taking forward the strategic aims and objectives of the Commission consistent with its overall purpose and within the policy and resources framework determined by the Minister;
- ensuring that the Minister is kept informed fully of any changes that are likely to impact on the strategic direction of the Commission or on the attainability of its targets, and of steps needed to deal with such changes;
- ensuring compliance with any statutory or administrative requirements in respect of the use of public funds; that it operates within the limits of its statutory authority and any delegated authority agreed with the sponsor department, and in accordance with any other conditions relating to the use of public funds; and that, in reaching decisions, it takes into account guidance issued by the Welsh Government;
- ensuring that it receives and reviews regularly, financial information concerning the management of the Commission; that it is informed in a timely manner about any concerns as to the activities of the Commission and that, where applicable, it provides positive assurance to the Minister via the sponsor team that appropriate remedial action has been taken to address any such concerns;
- demonstrating high standards of corporate governance at all times, including by using the audit and risk assurance committee to help the Commissioners to address key financial and other risks.
- Additionally, Commissioners oversee the detail of each individual review taking collective responsibility for the proposals and recommendations therein.

If Commissioners are to be used for the review of Senedd constituencies, they must have an understanding of governance of public sector organisations. They should also have knowledge of the context and geography of Wales. Due consideration should also be given to Welsh language. These appointments should be paid in line with the Public Appointments remuneration levels.