

Welsh Affairs Committee

Oral evidence: The Independent Commission on the Constitutional Future of Wales, HC 1361

Wednesday 17 May 2023

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Members present: Stephen Crabb (Chair); Simon Baynes; Virginia Crosbie; Ruth Jones; Ben Lake; Mr Rob Roberts.

Questions 1 - 43

Witnesses

I: Professor Laura McAllister, Co-Chair, Independent Commission on the Constitutional Future of Wales; and Rt Revd and Rt Hon Dr Rowan Williams, Co-Chair, Independent Commission on the Constitutional Future of Wales.



Examination of witnesses

Witnesses: Professor Laura McAllister and Rt Revd and Rt Hon Dr Rowan Williams.

Q1 **Chair:** Good morning. Bore da. Welcome to this meeting of the Welsh Affairs Committee where this morning we are joined by the two Co-Chairs of the Independent Commission on the Constitutional Future of Wales. We are delighted to be joined by Professor Laura McAllister and the right reverend and right honourable Dr Rowan Williams. Welcome. We are very grateful to you for giving your time.

Before we get into this discussion, Professor McAllister, congratulations on the superb election to the UEFA executive board. We were all thrilled to see that. I think that it is a huge accolade for Wales and it also obviously reflects your own individual contribution to sport over the years. Congratulations.

Professor McAllister: Thank you very much. Diolch yn fawr.

Chair: Perhaps we can begin the discussion. We will get into the precise objectives of the commission shortly, but I will open, Professor McAllister, with you. You were involved with the original devolution campaign back in the late 1990s and helped get it across the line at the time. Twenty years on, do you think that that vision of devolution that you and others were campaigning for has been a success? If so, why the need for this commission now? If it has not been a success, what do you think has gone wrong?

Professor McAllister: It is often hard to separate out the notion of success in terms of policy success versus constitutional sustainability, and I think that is where the main pressure point is. I think that all of us who worked around the original first settlement for devolution were aware that it was a pretty temporary one and a pretty flawed one. We did not benefit from the more, let's say, serious consideration of devolution options that Scotland had, with a more engaged conversation with the citizens. Hence the original legislation was a set of legislation that really piggybacked on the Scottish settlement.

I don't think that it was fit for purpose and, therefore, there have been a number of major changes, which the Committee members are very familiar with, which have altered devolution very substantially. Each of those, each Act and each change, whether it is de jure or de facto, has made the devolution settlement stronger. However, in the work that we have conducted so far in the commission it is apparent to us that there are a number of fundamental flaws and there continue to be a number of fundamental weaknesses that stop the Government, whichever Government that is in Wales, delivering for the people of Wales. I think that is probably our most important consideration because clearly constitutions matter—not much to the ordinary member of the public but constitutions do facilitate the delivery of good public services and also



offer opportunities not to waste time and energy if the constitution does not work effectively.

Q2 Chair: Thank you. Dr Williams, could I ask you about what has motivated you at this point in time to come on board with this project and to help lead it?

Dr Williams: Primarily, a sense that, as Laura has said, the existing devolution settlement is not functioning in all respects as fully and as effectively as it might for the wellbeing of the people of Wales. Part of that has to do with a sense, which has certainly borne in on me in a number of contexts, that a great many issues are deeply involved together. You cannot effectively tackle certain questions around health without tackling certain questions around welfare. You cannot tackle certain issues in education without addressing certain issues about transport and communications, and so on. If one set of powers and responsibilities is devolved, it makes sense to look at whether others could be devolved in a way that makes the delivery more effective for people on the ground.

I am concerned to see a more integrated approach to public service. I am also concerned, to be honest, to raise the question of how we build a more robust democratic culture in Wales where people have a sense of voice in affairs and a stake in outcomes. I think that some of the methods we have tried to develop in the work of the commission so far have been, among other things, not just an attempt to get evidence but an attempt to show what consultative processes might look like if they are working well and hand that over to the Government of Wales to say, "Could things be done more in this spirit and with these methods?" All that has been part of my motivation to be involved.

Q3 Chair: Dr Williams, do you have a vision in mind of what a good outcome looks like constitutionally? You have talked about the link between the constitutional side and public service outcomes. Are you operating with a particular vision in mind or do you see your role as more investigative, where you have a set of problems in front of you and you with the other commissioners want to unpack that and then see where that leads?

Dr Williams: In so far as I have a vision in front of me, it is simply, as I say, a more robust democratic culture. What that means constitutionally could be a number of options. I have certainly seen my task in the chair—and I think that Laura would say the same—as facilitating that discussion and investigating the pressure points. In a sense, the hard core of the interim report and probably of what we produce in the long run will be the chapter that says, "Here are the areas where it seems that people do not feel that it is working. Here are the pressure points on the present settlement."

We discuss this a bit in the interim report in these terms, that while a lot of people say there is no case for change, the fact is that quite a lot in the present settlement could be made to work better. The question is not



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whether it should change but what the degree of change is, what the extent of change is. We are taking it for granted that something needs to change because there are these pressure points. We are mapping the different options for different degrees of change, recognising at the same time that we are talking about a spectrum rather than three self-contained options of the three structures we outline.

Chair: Thank you. Rob Roberts is going to ask about objectives.

Q4 **Mr Rob Roberts:** Good morning. I am interested to know about what the actual objectives are of the commission's work, if you can explain those very briefly. To follow on from the Chair's inquiry, is it in your remit to settle on a single future constitutional option or are you expected to set a range of options for changes?

Dr Williams: The short answer is no, we are not expected to produce a template of any kind. The task is to map the options, as I have said.

We have had quite a bit of discussion on how far we should go with what you might call specific recommendations. We do not see our job as to deliver a set of highly specific granular recommendations for reform. We do see our job as being to say, "This is where the evidence is pushing us so that these are the areas where some change seems appropriate" but it is then over to the Welsh Government and whoever listens to the Welsh Government in this place to effect any changes that seem necessary. As I said, it is not a matter of delivering a draft constitutional settlement.

Q5 **Mr Rob Roberts:** Do you feel, Dr Williams, appreciating what you say, that the objectives that the Welsh Government gave you from the outset imply that you have been expected to reject the status quo and propose some kind of change?

Dr Williams: As I said a moment ago, it is not a matter of rejecting the status quo in the sense of saying that we now have to find a completely different model. We have to ask what in the status quo is working and is not working. Yes, the assumption is, in the terms of the commission, that it is not working as well as it might. Laura has already outlined why that might be the case. That is why I say that the meat of the interim report is in a sense in that longish section where we identify the 10 areas where things are felt not to be working based on the evidence we have so far taken.

Q6 **Mr Rob Roberts:** Professor, as the Chairman rightly mentioned at the beginning, you are a vocal supporter of devolution and very much campaigned for it at the beginning. Do you think that the inquiry that you are doing in this commission leaves all the options on the table or do you feel that some of the options for the future of Wales have already been ruled out before you began?

Professor McAllister: I think that there is a very heavy emphasis on the word "independent" in our title. Clearly, we were established by Welsh Government Ministers, but Rowan and I both felt very strongly that we



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would operate as an independent commission. You will probably be aware that we have representatives of all four of the political parties represented in the Senedd with us That is significant because clearly we would not expect, for example, a Conservative to come out with the same proposals as a member of Plaid Cymru. That is important, by the way. I think that is a very important dialectic that we have had within the commission.

We are independent. All the options about Wales's potential constitutional future were considered in the early stages of our work and we did encourage evidence to be given to us by individuals, organisations and parties who supported the status quo and, potentially, rolling back devolution. That is a significant openness that we had at those early stages because if our final report is to carry real credibility and status, which we hope it will, it is important that we are shown to be independent and neutral and that we have evaluated all the options with the same degree of forensic skill that we would with others. However, the evidence that we received has led us to the position that we set out in the interim report, which as you will know, I am sure, sets out three options that we are now digging much deeper into during the second year of our work.

Q7 Mr Rob Roberts: I appreciate that very comprehensive answer. Thank you. I responded to the online call for evidence as an individual rather than as a parliamentarian. For me, it felt like there was something missing. There were various questions, as you will be aware. Question 6 asks the people of Wales how Wales should be governed in the future. It gives them a number of options. It is basically status quo, more devolution, total independence. You just mentioned that nothing was ruled out, but there were no options for less devolution and there were no options for scrapping devolution entirely in this list of questions that were given to people in the public consultation. That is the view, whether anyone likes it or not, of a significant number of people in Wales, so why do their views not count?

Professor McAllister: Their views do count and their views were presented to us through the consultation. Others found it relatively easy to put forward that view through our consultation and we received those and looked at them in some detail.

The one thing I will say is that on actual evidence of a detailed nature that came before us we have yet to receive anything—let's think of the best word to apply to it—in detail with a strategic take on, for example, how devolution might be rolled back and the implications of that or how the status quo might be made more sustainable without any significant change. I think that is fundamental. We have encouraged that evidence and, in fact, we have deliberately and proactively asked individuals and groups who do support that position to come and give us evidence. That has been, let's say, less forthcoming than other viewpoints.

Q8 Mr Rob Roberts: As my final little bit, the other three parts are: do you



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like this, do you like this, do you like this, and then the fourth is: would you pursue any other governance model? All the other three are suggested and given as an option but that one is not. We all appreciate the power of suggestion and how these things work. Do you agree with me that not having it as an option means that fewer people will have selected it?

Professor McAllister: I don't agree with that, no, because the evidence has come through. We had over 2,500 responses to Dweud eich Dweud, which is the consultation you are referring to there, Have Your Say in English. Lots of those did argue for no change and some argued for a rolling back of devolution. However, and I do not want to repeat what I said a moment ago, the intellectual, constitutional and strategic case for those was not made significantly in those responses and we have since then pursued evidence in those areas. I am afraid to say that that has not been forthcoming, but we will continue to look at the data and the viewpoints that there are—because we are able to commission our own research, as you know, which we are doing—as to individuals' and people's views on those options. That will feature in all our work.

Dr Williams: If I may add very briefly to that, I think it is important to remember that Dweud eich Dweud was a preliminary open consultation, very much part of a wider programme of engagement and a proactive seeking out of people's views. As Laura said, I don't think that people felt inhibited in their responses from making the case you have mentioned. It is true in a number of areas that we have actively sought and invited people to make the case for no change.

One instance that is perhaps worth mentioning is that we had some engagement discussing the work of the Thomas commission on the legal system in Wales. Lord Thomas, when he gave evidence to us, underlined the fact that he had been rather disappointed that he had not yet had any sustained systematic response to the case that his commission had set out for radical devolution within the justice system. In the light of that, we actively asked a number of people, including people in the UK Government, about the case they would want to make in response to Lord Thomas's commission. We are waiting for that.

Q9 **Simon Baynes:** Thank you both for your time this morning. I want to focus on the structure of the commission's work. Could you describe the process that was undertaken to establish the commission, determine the skills and knowledge that would be required, and appoint its members? In particular, does the commission's membership represent the full spectrum of Welsh political opinion? As I am an MP in north Wales, does it actually represent the views of north Wales compared to south Wales? As in most things in Wales, it does seem rather south Wales-dominated by the people and their activities involved. Could we start with Dr Williams on that, please?

Dr Williams: The appointments were formally made by Ministers in the Welsh Government following, I believe, the guidance from the Welsh



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Government's public appointments team. That process began with approaches to Laura and myself about the possibility of chairing this together, so our advice was sought on possible names for the commission. As Laura has underlined, we have sought to have as full a political balance as we can. We engaged very deliberately and proactively with the parties in the Senedd to make sure that we had that representation.

Does it represent the full range of political opinion in Wales? Almost certainly not because I am not sure that a commission of a dozen people could possibly do that. We have sought to include two or three main elements: first of all, as I have said, the cross-party representation; secondly, people with very particular skills and—what should I say?—talents. The appointment of Sir Michael Marmot, for example, as one of the commissioners because of his enormous profile and reputation in the field of public health, seemed to be a significant element in this. There are people representing the educational world and so on. We also looked for people whose skills and concerns might come to us from a rather different, less institutional background. The presence of Miguela Gonzalez as someone involved in diversity work is there also.

Recognising that no commission can represent the full range and the necessary skills we need, we very early on decided we needed an expert panel of people who would be able to provide more detailed advice to us on various issues and who would also themselves be able to call in further advice. Part of the method we followed has been to vary traditional evidence-taking sessions with a more seminar style of discussion, workshops, deep dives, various names we have used, where we will engage with a broader range of skills and backgrounds to try to get some sense of what we might be missing. Again, if you look at the interim report and see who we have been talking to, that gives you some idea of that.

The north-south question is a perennially difficult one. We have, I know, a south and west Wales bias in the membership, in terms of the people. I hope we have not forgotten about—certainly, Albert Owen's presence has not allowed us to forget—that northern dimension. We have been looking quite recently at some further community engagement, especially with young people groups in north Wales, which we are pursuing as we speak. That is where we are.

Q10 Simon Baynes: The very fact that you have just said that it is quite west and south Wales dominated and we might see what we can do more in north Wales feels totally wrong to me. It should be a nationwide process. You have said we have Albert Owen so that ensures that north Wales is not forgotten, but as a north Wales MP and resident I find it quite strange that it is not front and centre as is south, west and mid Wales in the representation.

Dr Williams: I can only say that we have had events in north Wales. If you look at the community engagement record, a large part of what we



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did with community engagement was north Wales based. We met with those community groups just before Christmas to do some washing up on the work that had been done in community engagement with those groups.

I am conscious of the fact that the membership could, I suppose, have had more north Wales representatives, but we are where we are. The need to find representatives from the political parties constrained us to some extent in numbers. I can only say that we have done our best with that and what comes out of it will, of course, stand or fall by whether what we say is recognisable to people in north Wales as well as the south.

Simon Baynes: Okay. Professor McAllister, the same question to you.

Professor McAllister: I can add a few things. Methodologically as well we have a series of citizen panels operating at the moment. They reflect the demography and the population of Wales. Not only are they being held in different locations across Wales, including north-west and north-east Wales, they also reflect the balance of the population.

That is quite an important method for us to use in engagement and understanding some of the views that your colleague Mr Roberts raised a moment ago. We brought together the citizen panels earlier this year, small groups of eight to 12 people, who have discussed in detail the constitutional options that we have put in front of them. They have been working in the meantime to gain more information about them and they come back together in June to discuss those areas. This is all being done with an external agency. It is the equivalent of, let's say, a smaller-scale citizens' assembly. In an ideal world, we would have had a full-scale citizens' assembly but, as I am sure you all know, they are very costly and very time consuming and we have a tight schedule for the commission's work. The north Wales perspective, and other perspectives for that matter, is very well represented through those citizen panels.

The other thing I will add to Rowan's comments is that the commissioners are the least important part of this work, in our opinion. The most important people are the people of Wales and how they tell us they receive services from Welsh Government and, indeed, from the UK Government and where they think the weaknesses are, and the strengths for that matter. It is their voices that we need to listen to. We are a co-ordinating body rather than the definitive representation of anything, and that is why the expert panel is so significant. There are, by the way, voices from north Wales involved with that as well.

I do not think that we should be criticised for the composition of our group. I think that we have done reasonably well. We are gender balanced and linguistically balanced. We have non-white people involved. We have people from every region of Wales. With a group of 11 that is about the best you can do, in my experience. In a perfect world it might



be slightly more representative of the geography of Wales but we cannot let good and perfect be enemies. We need to think differently about that.

Q11 **Simon Baynes:** Fair enough, but to be honest with you I am surprised by the answer from you both in that context. I cannot stress enough to you the sense in north Wales that we are ignored by south Wales. That is putting it very strongly, but can you take away from this meeting that that is very strongly felt in north Wales? That has a direct impact on people's view of devolution and how the country is governed. Listening to you both, I do not feel that you really understand what I am saying. You need people on the commission and at the heart of the process who come from north Wales and understand what is going on there. I will leave it at that.

The second point I would like to make is that neither the commission nor the expert panel, as I understand it and correct me if I am wrong, has representation from any of Wales's main business groups or anyone drawn directly from the private commercial sector. How does this limit the commission's ability to analyse the implications of some constitutional options? Was the composition of the expert panel intended to address gaps in expertise within the commission? I think you have largely answered that. This is crucial because if you look at some of the interim findings that you have come up with, you are talking about the economy. What generates the economy? It is the business sector. Here, as I understand it, you have a commission and a panel that has virtually no representation of the business sector, which again I find very surprising. Maybe you can correct me if I am wrong about that and, if I am not, could you explain why?

Professor McAllister: First of all, just to reassure you, we understand entirely the views of every region of Wales because we have spoken to people across every region of Wales. You can be reassured that we take that extremely seriously.

I have one point on that before I come to your business point. We also have the opportunity within the commission to look at the internal governance of Wales. The commission feels very strongly that we should not look at devolution purely as represented in Cardiff Bay or in Cathays Park. We have talked a lot about local governance. One of our key values is subsidiarity: how do we devolve further authority and power to every region and community in Wales, including your areas of course, in the north but across west Wales and mid Wales as well? That piece of work around the internal governance of Wales features some of the points that you have very fairly raised with us here, and they will feature in the final report.

On the business community, we do have private sector representation. Miguela Gonzalez works in the private sector, as have several other commissioners in different guises. You will appreciate that again it is impossible to ensure that every sector is represented, as I said a moment



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ago, but the business voice is very significant for the reasons you make around economic input to the wellbeing of the Welsh economy.

One of the things we did very early on was to organise a session with all the business interests and how they are represented in Wales through CBI, FSB, Chambers Wales and so on. We heard very different views there from a big business perspective, an SME perspective and a small business perspective. That has informed all our thinking throughout. We have received plenty of evidence from the business world. I have spoken to several organisations, such as the Institute of Directors, to solicit their views on the work that we are doing.

The business perspective, or the various business perspectives because I don't think there is one, are important to us and they will feature as well in our analysis of the different constitutional options.

Q12 Simon Baynes: You have, for instance, the general secretary of Wales TUC as a commissioner. Why not have representation of a business organisation as well? This comes back to my point about north Wales. I am coming away with the impression that north Wales gets represented by whom we talk to; business gets represented by whom we talk to but not really on the commission or the panel. I am astonished that the business world is not equally represented, I have to say, given that that is the motor that drives the economy and the wealth of the country.

Dr Williams: I can only say in response to that that, as Laura has said, the commission is not there to impose its views or its perspectives. It is there to facilitate the views being co-ordinated and presented to the Welsh Government and the population of Wales and to the wider population as clearly as we can. With that in view, as Laura has said, we have had evidence sessions with people from the business community. The Federation of Small Businesses is one of the partners we mention in the interim report. We have had a number of very detailed sessions on fiscal issues, which of course connect with this.

As for membership, we can only say that the choices had to be made between strong competing concerns. We recognised early on that we did not have all the expertise we needed and we tried to aim off for that and make sure that that was factored in. We are here to channel those views, to gain as wide a perspective as we can from the people we listen to, and representation from those communities we fear might not be heard is something we keep returning to as a theme, as something we have to keep firmly on the radar. I think that has been true from day one.

Simon Baynes: Thank you both very much.

Q13 Virginia Crosbie: Croeso, welcome. Thank you for coming today. I want to reiterate what our colleague was saying. It is fantastic that you are giving evidence, but I think it is important that you also hear back from us as elected Members of Parliament. As an MP for Ynys Môn in the north of Wales, I think that you have talked in detail about this but the



evidence shows us, for example, that it took six weeks for the Deputy Minister for Climate Change to visit the Menai suspension bridge when it had closed. This is absolutely vital. Holyhead is the second busiest port in the UK. It is the whole land bridge. The evidence shows us that north Wales is not represented in Cardiff. For things like tourism, which is vital for places like Anglesey and north Wales, to not have a tourism Minister in Cardiff—it is tourism week for Wales this week and we should be shouting about that. I just wanted to reflect back to you what I am hearing on the ground.

Dr Williams: We do not dispute that for a moment. It has been a consistent concern of ours that those voices that feel underrepresented and unheard should have entrée into what we do and should be represented in what we say. I can only applaud that and say yes, we are aware of that and we are reminded of it regularly, not only by some members of the commission but also by those we speak to in the communities.

Q14 **Ruth Jones:** Thank you for your time this morning. It is good to see you both. You have been at pains to explain to us just how you have been actively going out to seek engagement with the public across Wales. Given that the subject is constitutional reform, which is not a particularly sexy and engaging subject, how much genuine interest have you found? Professor McAllister, you have said you wanted to start a national conversation with people. How is that going and how are you maintaining it?

Professor McAllister: It was an ambitious aim to try to generate a national conversation around matters constitutional, but I think that we have seen good success in that. We will probably look back and think that we could have gained more, but I think we have been aspirational in what we have tried to do.

To explain to you some of the things that we have done by way of engagement, we funded a series of community engagement groups to make sure that they were able to reach voices and individuals who might not have come naturally with their views. That included people who had been through the care system, individuals with learning disabilities and autism, refugees, older people, people with visual and hearing impairments. In fact, one of the groups that we funded that was based in Bangor spent a lot of time talking to black and minority ethnic people in that region. All that was important because it would reassure us that we had done our best to reach out to as many people rather than the people who would naturally come before us and give evidence through the normal routes.

We have also tried to be innovative by using things like The Talking Shop and The Democracy Box, which is an attempt to involve young people through different media to get conversations going on politics. It uses a different language and different mechanisms and so on. That is a pop-up



mechanism that has travelled all over Wales, again trying to touch every community that we possibly can.

As I mentioned, we have the citizen panels that are operating currently and report back in June. We have also commissioned some opinion research around the state of the union. That is views in every country within the UK on constitutional matters, which is important especially for the middle one of our options around federalist perspectives.

We have done a lot of engagement. We have done as much as we possibly can targeting groups that we think would not naturally come in front of us. It is always very difficult to assess whether that has generated a conversation around matters constitutional. I doubt if we could take responsibility for doing that long term, to be perfectly honest, but I think that we have given it a big shove in the right direction with the engagement processes that we have used so far.

Q15 Ruth Jones: I want to commend you for your interim report, which is very clear and very easy to read. It is helpful to have that and the details that you have highlighted about the citizen panels and things like that. It is very useful. Dr Williams, do you want to add anything to that?

Dr Williams: I think that Laura has covered the bases there. The challenge is always to help people to see that issues about delivery of services and so forth are connected with constitutional questions. Constitutional questions do not exist in some abstract realm. As I think I said in another context, they bear on the bus timetables. We have to make that connection.

Perhaps that might also prompt a word or two about one of the issues that keeps coming back for us, and that is constitutional education. What can be done in the Welsh context to improve the level of literacy about the way Wales is run? Quite often in these community engagement contexts we have found that there are points where we realise we cannot start there, we have to scroll back and explain and help with the mapping, which is why it has been so interesting working with groups like The Democracy Box initiative with young people, who are very often underprovided with information about how their constitution works and very eager to learn about it.

Part of what we will want to say in some way in the final report will have to do with constitutional education, that none of this is going to matter very much unless we have that grounding in robust, imaginative education. Whatever constitutional future there is for Wales, people need to understand what it is and how it works.

Q16 Ruth Jones: You have made the point in your report that in the response they were self-selecting in coming forward and being proactive and you tend to get people who are more proactive if they want to seek change. How do you balance that with, certainly in Newport West, the general impression of, "We are all right as we are and the status quo is as it is"?



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Obviously, that is a personal anecdotal thing, but how do you balance up your data with respondents who are actively seeking to give you information with the others who may be happy but are not going to say anything?

Dr Williams: That takes us back to some of the first questions that were raised. Obviously, an online consultation will self-select for people who have a lot to say one way or another, and the responses certainly bore that out, didn't they? People had plenty to say from all perspectives. The next question was: what about those who do not see why it is an issue or why it affects them? Hence the suite of techniques and approaches we have adopted of face-to-face engagement with activist groups and actual commissioning of professional research on how people are viewing this.

Ruth Jones: Okay. That makes sense.

Professor McAllister: To add to that, the other way in which we have tried to connect potential constitutional change to everyday lives is through the subgroups that we have set up. We have set up six subgroups, which the commissioners work on more intensely, around subject areas and potential candidate areas for future devolution. They will not surprise you: justice, broadcasting, welfare, employment, energy and transport. Each of us has worked with other commissioners around those areas.

The reason they are significant is that what they have exposed is where the jagged edges of devolution, as those of us in the academic sphere often call it, have created delivery issues for ordinary citizens. We have heard a lot about bus travel, rail infrastructure and transport connectivity across Wales, for example, in the transport group. In the justice group, we have heard a lot about probation issues, prison, legal aid, all the facets of the criminal justice system.

We have deliberately avoided being esoteric about this and talking in very general terms. We have very consciously tried to drill down into implications from the current devolution settlement that affect everyday lives in Newport or anywhere else. Clearly, in all our engagement work, that is what people talk about. They ask why rail does not work in the way they would like it to, for example. We have been consciously trying to connect the two things around public service delivery and constitutional matters.

Dr Williams: I think that bears on the previous questions about the north and its issues because obviously transport involves investment, tourism and so forth. That has come into the remit and the discussion of the transport group.

Professor McAllister: Indeed. Virginia, you mentioned ports and so on. Clearly, that is an important hub of transport, but also energy. There are huge issues around energy and, indeed, the Crown Estate. Those are



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areas that people, when they are aware of them, have very strong views on, and that has filtered through in lots of our consultations.

Q17 **Chair:** Thank you. I am going to bring in Rob Roberts in a moment, but on this point about outcomes, the biggest thing in my email inbox at the moment—I do not want to speak for others but I will hazard a guess that it is probably true for them as well—is inability of people to get operations, waiting lists, GP appointments. NHS dentistry is disappearing from Wales at a rate of knots. People cannot get houses. There is a crisis of housing availability and housing affordability in many places in Wales. Do you genuinely believe that any of the options that you are studying for constitutional change could lead to the dials moving on any of those issues? Are we not talking about different things fundamentally?

Professor McAllister: All the evidence shows that any dysfunctionality in a constitutional system is a bar to good governance. Clearly, we cannot make causal links with any of our claims as to how a constitutional change can deliver better outcomes because that is dependent on political choices, party, Governments and the interventions they decide to make. If you take the example of justice, Wales currently has the highest prison incarceration rates of anywhere in western Europe. Our outcomes around justice—and I could quote figures from other fields, probation, legal aid and so on—reflect that things are clearly not working in that area. What we cannot say, of course, is that the devolution of justice will solve those problems. What we can say is that the dysfunctionality over the current system stops solutions being employed. That is a very subtle difference but an important one.

Q18 **Chair:** Your assumption there, Professor McAllister, is that the problems of justice in Wales cannot be solved by remaining integrated in an English and Welsh justice system primarily governed from the Westminster Parliament? That is your starting assumption?

Professor McAllister: It is not our starting assumption, it is the evidence that has been given to us that we are now analysing around the justice side. Often it is data based to do with outcomes around imprisonment, legal aid as I said, court cases, waiting times and suchlike. It is not our position to say that is a starting point for us. It is merely the evidence that has come before us, which points to how, if that were solvable, there would have been steps to solve it now. The practitioners and the unions and, indeed, the Welsh Bar, which we saw recently, have told us that these problems are almost impossible to solve in the current settlement.

Q19 **Chair:** Something that Dr Williams said right at the start of the discussion really resonated with me. I think that you used the word “powerlessness” or a sense of people needing something more from their politics. You talked about wanting to see a stronger, more robust political culture in Wales. That comes through to me whenever I read these emails that I have day by day from constituents who do not know where to turn because they have been told they have to live for three or four years in



pain because they cannot get a hip operation or a knee operation.

You also said a few moments ago that constitutions do not exist in isolation; they are linked to other things. To what extent as a commission are you looking at—if I can use the phrase—political culture in Wales? The reason I ask that is that we had in front of us Guto Harri, former BBC journalist, ex-S4C board member, worked with Prime Minister Boris Johnson in Downing Street. He was giving us his view of media scrutiny in Wales and he used the phrase a “beige, soggy” approach to scrutiny and accountability on the part of Welsh media. He did not feel that Welsh Ministers are really put under the spotlight enough on performance and policy outcomes. As a result, his phrase was a “beige, soggy” political culture there. Is that something that has come up in any of your work?

Dr Williams: The question of accountability is something we flag very explicitly in this. Part of a robust political culture has to be robust scrutiny. Issues around the Welsh media have certainly been on our radar very strongly as one of the areas where there needs to be a reset in many ways, so I do not think that I disagree with that sense that performance, of course, needs scrutiny and that is part of what a good democracy entails.

Going back to another thing I said right at the start, we have more and more become aware of the way in which devolving certain powers without devolving others can create problems. That is one of the things that is emerging for us as strengthening the case for some sort of change in what we have. If there is another case, as Laura has said, we are very open to hearing it.

Q20 **Chair:** What is an example of that?

Dr Williams: When we were listening to the feedback, particularly from the community groups that we worked with just before Christmas, there were people who were saying, thinking of your email inbox, that they did not understand why certain questions were devolved in a way that meant they ought to talk to so-and-so, whereas for a very closely related question, let’s say the health and benefits crossover, they then had to go somewhere else and find sometimes rather conflicting or overly complex advice coming out of that. That is the kind of thing that we have in mind.

As we have been trying to say, we have not approached this by saying we have to argue for a constitutional model. We are saying we have to present where the present model is under strain and ask what are the things that would most release effective delivery for the people of Wales of the services they need. That is the pragmatic side to what we do. I think both of us would agree on that.

Professor McAllister: Can I return to the scrutiny point? I think we all know that the most important intervention around scrutiny is within the Parliament itself. That is where the real scrutiny should start around ministerial policies and so on. The reality is, because, as you know, I also chaired an expert panel on Senedd reform, that there has not been



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capacity to scrutinise Ministers while in the Senedd. Once you take out the Welsh Government Ministers and the Llywydd and the Deputy Llywydd, you are left with around 400-odd MSs to scrutinise all of those portfolios that Ministers have in Welsh Government.

I know we are in a process of Senedd reform and there are proposals to change the size of the Senedd, but I do think that has to be taken into account. It is fair to criticise the degree of scrutiny that there has been of Ministers but that will not be addressed while the Senedd is completely underpowered to do its job properly.

If, when the Senedd enlarges, there is still poor scrutiny everyone will have every right to criticise that very trenchantly, but there is a fundamental flaw with the structure of the Senedd that has prevented good scrutiny happening. There are pockets of good scrutiny but not consistently good scrutiny of Ministers. I think the media comes in after Parliament or at least in alliance with effective scrutiny within a Parliament.

Chair: Thank you, that is helpful. Simon, you had an intervention.

Q21 **Simon Baynes:** To add to what the Chair said, I completely respect the way in which you are approaching this but there are quite significant areas of activity in Wales that are 100% devolved to the Welsh Government; health is one, education is another and agriculture another. These are all areas where there is deep concern about how things are done. I hope that within the context of what you are doing, which I fully respect, you can also see that the answer to the problems there, and they are very acute for us in north Wales. The Betsi Cadwaladr University Health Board is an absolute disaster area, and we feel very strongly in north Wales that the Welsh Government, having sacked all the board and everything else, have not behaved in the right way towards it.

What I hope from you is that you have a balance in your minds that there are areas that are fully devolved that have problems, so therefore a constitutional solution is not the answer and somehow have that balance in your mind. Otherwise all that will happen is that, "Oh well, there is a problem; it is a constitutional reason". It is not in quite a lot of places.

I do not know what the answer is to the greater scrutiny—maybe it is in the Senedd—but a lot of these voices are heard and nothing happens. I think it is partly the geographic thing. I will leave the point there, it is just a little addition to what the Chair said.

Dr Williams: I reiterate the point that none of us would say a constitutional reset is the answer to these questions. We would say that a full answer to these questions needs some constitutional reflection.

Q22 **Mr Rob Roberts:** In the interim report you identified a conflation between political decision making and constitutional arrangements. Does it indicate, from your point of view, that people who are relatively content



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with how decisions are made, either here or in Cardiff, are less exercised by the constitutional settlement? Obviously, conversely, are the people who are advocating for constitutional change doing so out of a motivation of dissatisfaction with Government decisions?

Professor McAllister: That is quite difficult to answer. Obviously motivations of individuals who have responded to an online survey we have to treat with some caution and make our own judgments in the round on how that looks, as you will understand. In fairness to the various consultations that we have running at the moment, we have not asked people about strictly constitutional matters. We have asked them about how they see a current model of governance working for them individually or family or community-wise. That is where we have gleaned the most interesting information about things that are working well for them and less well, because we have heard things.

Mr Baynes mentioned where there is an area that is working less well and an area that is working well, and we have heard from both sides certainly, but often people will then point to a jagged edge or an element where they feel there is a degree of uncertainty or lack of clarity over who controls what area.

In fairness to the individuals who have responded, and to us in our analysis, we have to interpret what people are saying, but if we can interpret people's views as being a defence of the status quo that will feature in what we say. By and large, people have pointed to things that are working less well rather than things that are working well for them.

Q23 **Mr Rob Roberts:** Following on from that, Dr Williams, talking about independence, in your report it said the most popular preference among respondents about independence is 55% in favour. Recent polling puts it at 14%. My friends in Plaid Cymru—misguided as they are—are excellent at mobilising their supporters on subjects like this and to respond to things and to get a lot of replies, whereas people who are perhaps more union-focused may necessarily be less inclined to engage with things like this because they object to the premise of the question entirely.

It seems to be borne out by the result of the referendum in 1997, which was 50.3% based on a 50.2% turnout. We had a major constitutional change brought about basically by 25% of the population and we have never had a turnout of more than 49% in any Senedd election. Are you concerned that apathy and frustration and the mobilisation of the nationalist movement will skew your report in a particular direction so that it might not necessarily be representative of the views of the people of Wales?

Dr Williams: Of course that is not representative of the views of the people of Wales, which is precisely why we have engaged in further research on this. We know that an online consultation will bring precisely what you said. Of course we are concerned at the possible skewing effect that that may have, hence the further work we have done.



Q24 **Mr Rob Roberts:** To add little bit more detail—I appreciate we mentioned earlier on that you commission your own research and things—what does that extra detail that you are drilling into involve? What is the nature of that extra work on top of the consultation?

Professor McAllister: First, I will be even stronger than Rowan and say that I am not the slightest bit concerned about that figure from an online self-selecting survey because it will be treated as such in our evaluation of the evidence. I think the public attitudes towards devolution have changed significantly since 1997 and the figures you quote. We have the empirical evidence to show that in the research that we do in the academic environment over constitutional preferences. Clearly, things have changed longitudinally since then.

It is very important for us to be able to forensically analyse the case for each of these constitutional options. For example, as you have quoted independence, which is one of them, in all of our work we have looked at independence from a very vigorous fiscal position. We have analysed the public expenditure, revenue borrowing, fiscal viability perspectives of Wales becoming independent. That has to be done with each of the constitutional options because each of them poses challenges constitutionally, politically, financially to how we govern our country. That is why I am not the slightest bit concerned about the percentage of individuals who have responded to the online survey because it will be taken in the round.

Sorry, did you have another point?

Mr Rob Roberts: Whether you thought it would skew it, but that is perfectly—

Chair: Sorry, Rob, we are just under a bit of pressure of time. Do you have more on this?

Q25 **Mr Rob Roberts:** Very briefly. You talked a moment ago about expanding the Senedd and potential change that is coming about. Given that you have just mentioned that views have moved on a lot since 1997—and I completely agree they have—would you agree that at some point, if we are talking about significant change to the Senedd, people of Wales should be asked to have their say once again as to whether they want that or want the status quo or want none of it at all?

Dr Williams: That is not our remit but I have no objection to going along with that. I think any major constitutional change ought to have as representative a method of settlement as possible.

Professor McAllister: There is an issue obviously that we report to the Welsh Government and that is our remit, but of course the Welsh Government do not have it within their powers to institute any of the changes that we might recommend. Clearly there is a role for this



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institution and the views of Welsh MPs, Welsh peers and so on are critical in how that process might be engineered beyond that.

Q26 **Virginia Crosbie:** You have spoken a little bit about this but in the views of civic society and elected politicians in the evidence that you have gathered from civic organisations, politicians, government, were there advocates for the status quo other than UK Government Ministers and ex-Ministers please?

Professor McAllister: We have not received a great deal of evidence from UK Government Ministers around that as yet, which I hope we will get because it is very important. We have evidence sessions that I think will furnish that because we see the Secretary of State for Wales next week. I am sure he will wish to make his own case for those areas, and we will listen very carefully to that.

Dr Williams: We had one with his predecessor, of course.

Professor McAllister: We have already had an evidence session with his predecessor. I would like to think that UK Government will engage further with us in the stages that we now face in writing our report because clearly there is important evidence to come from key Government Departments here.

Q27 **Virginia Crosbie:** Sorry not to be clear, but my question was: have you had advocates other than UK Government?

Professor McAllister: I was going to come to that. When we have had the various community engagement groups some people say that they are very comfortable with the current arrangements. We have tended to go through the pressure points that we have identified in our report and we talk in detail with those. That has come through very clearly with the citizen panels I referred to before because clearly you need a more qualitative, time-intensive conversation if you are going to discuss those issues in great detail.

We have not had the results of those sessions yet because, as I said, they come back to us in June when they meet again, but it might be the case that there is a very strong argument there from individuals who want to keep things as they are. We will listen to that very carefully.

Dr Williams: As I think we said before, we have invited further responses, which we await from some parties, with a small "p", as well as Parties, with a large "P", in Wales and beyond to fill out precisely that.

Simon Baynes: I think my question has been covered by what Virginia asked.

Q28 **Ben Lake:** Diolch yn fawr iawn i chi am ymuno gyda ni bore 'ma. I have been very interested to read the interim report and also the evidence that you have given to my colleagues thus far this morning. I am particularly interested to learn a bit more about these sessions and engagement with



the public and some of the problems that they have expressed to you as a commission. Can you begin, with those problems and concerns that have been expressed by the public in mind, with how each of the three proposed options that you have identified would address those concerns?

Professor McAllister: I think that comes through the work of the sub-groups because, as I said, that has allowed us to have a real deep dive into key areas that affect people's lives, like transport, justice, welfare and so on. Once the sub-groups report back to the commission—which should be by early June, so a matter of weeks now—we will stress test the recommendations of the sub-groups within the framework of the three options, if that makes sense.

We have devised an evaluation framework, which will be live next week, because we have just amended and revisited the one we put out for consultation. The amended version will go live next week, so please do look at that. The evaluation framework is a way for us to test the constitutional options. First, against our values; we have not said a great deal about the values that we have tried to instil in our thinking but they have been around accountability, agency, subsidiarity and equality. Each of the areas that we have investigated we have stress tested against the values that we believe are important to the people of Wales. The people of Wales told us that they were important. That came out of the consultation.

Therefore, as we deep dive into the three options, which are strengthening and enhancing devolution, federalist options and independence, we will test the sub-group's recommendations as to how that would work, for example, under independence or how it might be codified and protected by legislation in the first option. I think that is probably the way in which we will delve deeper into citizens' views and how they might apply to the constitutional option.

Dr Williams: Perhaps anticipating what might be a follow-on question, one of the issues that we have in mind here is, to put it very simply, value for taxpayers' money. We want to say in this report that maintaining what is there simply as it is is not a cost-neutral thing any more than any of the other options are. There are costs involved in the inefficiencies and dysfunctions of how things are done at the moment, which need to be on the table, as well as the potential costs of change. That is part of the valuation that is in our minds as well.

Q29 **Ben Lake:** I am very pleased to hear that because a colleague of ours on the Committee, if he was here, I am sure would point to the controversy about the treatment of HS2 spending, for example, as it applies to the fiscal statement and framework.

I am taking it that the three options as they are worked now by the sub-groups will be presented as—I appreciate that you cannot recommend one over the other—viable options to pursue and explore further. With specific regard to the first of the three options—the entrenching of the



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current devolution settlement—to what extent will the work consider changes at the UK level? I do not mean necessarily political governmental Ministers—the unhelpful statements by the Prime Minister, for example, that further constitutional work is just tinkering and we do not need it.

I also have in mind rather more significant changes in the number of MPs, for example, that there will be from Wales in Westminster. I also have in mind the yearly annual increase to the number of peers in the House of Lords. To what extent do these elements play into your discussion and consideration of the options?

Dr Williams: I think those, as you have presented them, are probably beyond our remit. We are already facing quite a substantial agenda of issues but obviously, in our discussions, these are things that would surface again and again because clearly what we are saying has potential implications for the wider UK. All three options in some way pose challenges to the rest of the UK. When I say “pose challenges”, I do not invite civil war. I simply mean they put a question about political management.

You are quite right, it is not simply about who happens to be in power in Westminster. It is a set of structural questions. We listen in with great interest to discussions about regionalisation in England. We have had Andy Burnham, for example, to speak to us about that, so I think we can best say that we are aware of that as part of the wider political map at the moment. Sorry to keep coming back to north Wales, but it is in that context of talking to people like Andy Burnham and others on the other side of border that we are aware of some of the issues that arise for north Wales on cross-border questions and cross-border co-operation, which we certainly do not want to undermine or diminish.

Yes, those broader questions are there. No, I do not think we can mock up an entire UK political model, nor should we, but it is important for us to say we have included those dimensions in our discussions. We hope that what we say might be of interest or of use beyond the Welsh borders simply in the way it raises some issues about—if I can say it again—the interweaving of public services, the appropriate places for control and decision making to be exercised and therefore flowing into some of the discussions about levelling up regionalisation and so forth in England. We have not even started talking about Scotland.

Q30 **Ben Lake:** I am very grateful for that response. If we are in the task of trying to establish how the devolution settlement might be strengthened, it strikes me as a very relevant point that you need a pliant or at least a sympathetic Westminster establishment to be able to ensure that some of the already long-established, or relatively speaking in modern political terms, relatively well-established political and devolution settlement is respected. I am very concerned that if you have a situation where Wales will no longer send 40 but 32 Members of Parliament to this place the task will be even greater. It is no disrespect at all to civil servants and



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Ministers in this place but clearly they have in their minds the entirety of the UK, and so having a smaller group of Welsh MPs here will make it more difficult to ensure that some of these concerns about the devolution settlement will be able to take place.

Dr Williams: Indeed, and this is why, in looking even at the first of the three options, we are asking the question and have been encouraged to ask the question: what sort of statutory provision would be the minimum needed simply to consolidate what we have rather than leaving it at the mercy of a simple majority in Westminster? What would need to be on the statutory books to require, for example, higher levels of majority for constitutional changes affecting Wales? That has been in our discussion quite recently.

Professor McAllister: It is a slightly different angle on your question but I think one of the problems with devolution for the past 20 years has been that there has been no engagement by the UK/England when it operates as an English Government with all of the devolved nations in the round. It has been very much bilateral and originally it was very much a case of devolve and forget rather than devolve and engage.

For those people who are advocates of the union and want the union to be strengthened and survive, that is a mechanism that could do that, but what we have seen, and what the evidence that we have received shows, is that there has been less enthusiasm for making the case for the union recently. It has been a more negative engagement, let's say. I think that is problematic because it has not enabled devolution to operate within the democratic parameters that it should have.

That case has been made by some very strong unionists and it is a very important case that we should listen to very carefully, but we need to be honest here. Any change to the devolution settlement that entrenches devolution potentially compromises a notion of parliamentary sovereignty because it would have to, by its nature. I think it is important to say that. Whether there is an appetite for doing that obviously is outwith our control or knowledge at the moment, but it is important. Of course federalism would involve a complete recasting of the constitution of these Isles. There would need to be a very strong degree of enthusiasm within England as the biggest nation of the British Isles. Each of these options poses real challenges and is structurally significant, but I do not think that should make us shy away from them.

This is the first time, as you know, that we have had a commission that is looking strategically at Wales's constitutional position within the UK and potentially outside the UK, so at least it puts us on the front foot. Whatever happens with our report, we will have a body of evidence and a set of serious credible recommendations that any Government in the future UK level might wish to deal with or might wish to ignore. That is not something we can control, obviously.



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Q31 **Chair:** I will pick up on the point about parliamentary sovereignty, because that is interesting. That is the cornerstone on which much of our constitution is built, the supremacy of Parliament. Is it your view that that constitutional principle is incompatible with any constitutional improvements that you are looking at for Wales?

Dr Williams: No, we are looking at broadly three options, two of which would certainly require a rethink of parliamentary sovereignty but the further—

Chair: What would “rethink of parliamentary sovereignty” mean? Is it not binary?

Dr Williams: Independence obviously is a rejection of parliamentary sovereignty. Wales would become an independent country. We keep returning to the complexities of what federalism might mean, the variety of models that exist there and what a sovereign Parliament would mean in a federal settlement. There are all sorts of different examples around the world, radically distinct in nature. We have begun to look at this just for our own education. When I say “rethink”, I simply mean that there are lots of options for what a final court of appeal is in a federal system.

The first of those options, we are not challenging the sovereignty of Parliament. We are, by raising the question of statutory entrenchment of certain things, suggesting that Parliament restrict its own sovereignty in certain respects, as devolution already implies. It is a spectrum of views here.

Professor McAllister: I think the whole concept of intergovernmental relations could be recast not to challenge parliamentary sovereignty necessarily but to make it more respectful and equal in how it operates. We are very conscious that we have a new system of IGR from the report that came out in January last year, and that is clearly going to take time to bed in. All of the evidence suggests that it is less about the mechanics and more about the culture and the views and the behaviours of each of the governments to each other, using a basis of equality and respect in how they relate one to the other.

I think that there will be certainly some work done in the report on intergovernmental relations because some of that could be done without changing anything else. It is important that some of the things that can be changed without significant statutory change are highlighted in our report.

Q32 **Chair:** In reaching a future steady state that a lot of the pressure points that you have identified in your work so far deal with, do you think, Professor McAllister, that that will require a rethinking of the notion of parliamentary sovereignty as we understand it now?

Professor McAllister: It is less about what I think personally and more about where the evidence leads us. At the moment, we have looked at



how the Sewel convention has hit the rocks, let's say, in how it was able to operate during the post-Brexit period. That makes us concerned as to how such a protocol might work at some point in the future. For us, we have to be driven on principles of respect for the democratically elected Parliaments and Governments elsewhere beyond this place.

If there are ways that things can be altered without statutory change, it is important that we pursue those because clearly they can be done faster and generate improvement. I think that will feature in the report, but it might be the case, when we have sat down and researched all the evidence that we have in front of us, that that is only one part of the change that is needed to generate stability and a constitution that works longer term.

Q33 **Chair:** Of the pressure points that you have identified, which do you feel are the most serious that need addressing? Is there a hierarchy there?

Professor McAllister: That is a good question. They are all so different in the economic conundrum, the case for the union or not, as it might be. I would struggle to put those in a hierarchy because I think they overlap one with the other to create a weakness or flow on how the constitution operates. If you are able to identify 10 significant problems that suggests things are not working as well as they might do. I would not wish to be drawn down the route of a hierarchy but I think they all have an impact on working of the constitution and service delivery.

Dr Williams: If I could add a note to that, one of the things we talk about in informal terms is what are the easy wins here? What are the adjustments in the system that would be least controversial or least statutorily complicated and most readily and promptly delivered? For me—this is a purely personal view and not that of the commission—it is around provision of policing. A slightly higher degree of devolution in those areas would be a welcome change and one that would not require vast reorganisation and would go along with what the police commissioners in Wales are already doing and recommending. That is one example of an easy win.

Q34 **Chair:** On that point, were you disappointed therefore when the Brown Commission—Gordon Brown's piece of work—clearly did not recommend devolution of policing in Wales?

Dr Williams: We took evidence from Gordon Brown and others involved in his commission and raised precisely this point, to clarify whether he was saying this was a recommendation or simply a starting point. The message we had was that he thought, and others on his commission thought, now is not the time necessarily for this devolution but it is not to be ruled out. Yes, I think at first we were disappointed that there was not something a bit more robust in that area but the impression we had from our discussion was that he was certainly not—



Professor McAllister: We were encouraged by the fact that the Brown report left a big space for our commission's views to be inserted very explicitly. I think that is important.

The other point, as you know, even were there to be the devolution of justice, that would take time to do and to manage and to create capacity around. There is an argument, which we have heard from Welsh Government and others, for the phased devolution of justice. We make no comment on whether we regard that as viable but we have received evidence from others to say that, for example, youth justice and probation could be devolved very simply. Others argue that policing could be devolved very simply. It is our job to assess that in the round.

Chair: We had these conversations almost 10 years ago, Professor McAllister, when I was in the Wales Office, in the context of the Silk Commission and we looked at devolution of justice then. Various groups and bodies and businesses made public statements on the matter, and then there were the conversations in private behind closed doors from some people who—the legal community in Wales was not very united. Some of the very strong representations that we received in private were quite at odds with some of the public statements about the desirability of devolution of justice. It will be interesting to see where this goes. It does not feel to me like it is a settled view but I might be wrong on that.

Simon Baynes: I know that Ruth has her questions so I do not want to hog the time but I have one point I would like to make.

Chair: Very quick, otherwise let's bring in Ruth.

Simon Baynes: Let's bring in Ruth and if there is time at the end—

Q35 **Ruth Jones:** I feel highly honoured. Thank you very much. My final question is that you have been very open and honest in your interim report and you have acknowledged the fact that with the options that you are laying forward nothing can be enacted unless the UK Government say yes. You have been very clear about that. How does this affect your final report? You are obviously going forward to produce that because you want to future-proof your report and make sure that the what-if scenarios can be taken account of. Will you be taking account of things that can be done, not hierarchically but lesser level with local government and the Senedd rather than the big bang or bust?

Dr Williams: The answer to that is yes, we will want to look at what is deliverable with what powers are available already. We are not assuming that everything depends on Westminster but there is no denying the fact—it is the elephant in the room, if you like—that all depends on whether a Westminster Government are ever interested enough in this agenda to pick it up, if the Welsh Government want to pick it up. There is not a lot we can do about that.



Professor McAllister: I do not think that is our responsibility. Rowan and I feel very strongly that our responsibility is to produce a credible, authoritative, well-evidenced, well-written report that is based on the views of people who have given evidence to us and our analysis of that.

I have served on other commissions, as you mentioned, and sometimes you never know how quickly or if at all the recommendations will be implemented. In the case of Wales, it is important that our report is a resource for future Governments of any political colour, should they decide that constitutional change is needed. We are not able to influence anything beyond that but being authoritative, clear, well-evidenced and indisputable in the data and so on that we put in the report will do a good service to the people of Wales and to the parties in the future.

Ruth Jones: I think that is an excellent point well made.

Q36 **Simon Baynes:** I have three very quick points. First, when you are looking at the relationship between the Welsh Government and the other devolved Administrations and the UK Government, one thing I think that is important to take into account—you made the point, Professor, about unionism and that is something that has preoccupied me since I was elected as an MP three and a half years ago. I think that the argument for the union is strengthened partly due to the problems that SNP have had in Scotland as well, where there has been a reduction in the support for independence.

It is important that you consider how the Welsh Government engage with the UK Government, as well as the other way round. On a superficial level there is always the argument that the UK Government are not paying any attention to us whereas if you talk to the UK Government and the Ministers they are, but it does not suit the purpose of the Welsh Government to necessarily always emphasise that point because they want to get a message across. I think it is important that you look at both sides of that argument.

Secondly, devolution also applies to devolution from Cardiff to the local authorities. My background is a county councillor and a town councillor in mid-north Wales for 11 years before I became an MP. One of the things that has energised the local authority sector is the way in which the grants that were European money are now going to the local authorities. That has had a tremendously positive effect. When you are talking about devolution do consider that angle as well.

Thirdly, Dr Williams, you made the point about cross-border. I represent a cross-border constituency, Clwyd South. Our whole lives, 25% of the working population of Wales cross the border and whatever solutions come up in the future we cannot be sent to Wales as an island that has no relationship with England, because that is not the way life works for my constituents.



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Dr Williams: On the third of those points, precisely that question has been discussed explicitly in the commission in those terms, where people work and transport is available and lots of connections should be made. Certainly how a border is managed is, obviously with any of our options, a major question.

On the second observation, we have heard probably in every other meeting somebody or other saying devolution does not stop at Cardiff and that we take it for granted, which takes us back to the values issue, which Laura mentioned. Subsidiarity is one of those values. That is decisions being made effectively at the level at which they can most effectively be made. That is axiomatic for us.

Professor McAllister: On the first point, we have taken that very seriously. We have had evidence sessions with Ministers and Deputy Ministers and we have held their feet to the fire in the same way we would with anyone else. In the recent session with the Deputy Minister for Transport and Climate Change, we talked a lot about shared governance issues around rail and border, particularly in that context. You can be reassured that that is very much part of our scrutiny when we see Ministers.

Q37 **Ben Lake:** Briefly, I think you mentioned that you will shortly be receiving evidence from the Secretary of State for Wales as part of it, which I very much welcome. I agree with Mr Baynes that an important aspect of your work will be the relationship between the Welsh Government and UK Government and the way that it works both ways. A point I would like to make is that if the current devolution settlement is to be strengthened and respected, it strikes me that it is of fundamental importance that the current processes, the conventions, are respected likewise. I have only been a Member of Parliament since 2017 but it strikes me that the number of LCMs that are refused in the Senedd, only then to be very swiftly and decisively overturned and ignored at Westminster level, has increased as the years have gone by. I will be very interested to know whether the Secretary of State will reflect on that in the evidence that he gives you as a commission.

Dr Williams: Noted.

Q38 **Mr Rob Roberts:** I am interested in timing and resources. There are lots of things going on in the country. People are facing difficulties all over the place. From your point of view, is this the time for spending significant funds, resources and time on constitutional questions or is there an argument that we should instead be focusing on improving the outcomes with the settlement we already have?

Professor McAllister: That begs the question of when is a good time to investigate constitutional matters. I suspect that there is never a good time. Most people would rather that we did not have to do this but that is an argument for creating a sustainable settlement for Wales that will not have to be revisited as regularly as it has during the past 24 years. We



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have had a series of commissions and, as the Chair knows, a series of pieces of legislation around devolution. I hope that the report that we produce will give a basis to make that more secure and to deliver better. Maybe then we do not have to have quite so many conversations around the constitution other than those of us who live and breathe it in an academic environment. We can let the rest of Wales get on with the important business of living their lives.

Dr Williams: I think, as we have both said, the split between constitutional questions and delivery questions is not an absolute one. We have to talk about some of these constitutional issues to make sure that delivery is better for the people of Wales in the longer term. Yes, we have to have these conversations. On expenditure, we have saved quite a lot of money by being able to do most of our work online for certainly most of the first year, which is why the spend is about half of what was originally budgeted.

Q39 **Mr Rob Roberts:** What was the cost of the inquiry?

Dr Williams: I think the information is there. It is £1.1 million annually.

Professor McAllister: I think the commission spent only around half of that in the first year.

Dr Williams: £450,000.

Professor McAllister: We will continue to be as prudent as we possibly can because we are very conscious that this is public money.

Q40 **Chair:** We are coming to the end of our time and it has been a fascinating discussion. We are very grateful for giving us your time and your frankness in answering the questions.

I will pick up on a phrase you have just used, Professor McAllister, about finding a sustainable settlement, I think was the phrase that you used. That has been the discussion for the last 20 years or more, even before the late 1990s referendum and the beginning of this stage of devolution. The conclusion I am coming to is that there is not a happy steady state that one could ever realistically call sustainable because it will always involve friction and tension. That is inevitable when you have a geographical national set-up like we have in this country and where Wales is situated. I am going to press you on this, and ask you what you think rather than what respondents to the commission have been saying. Do you think there is a satisfactory steady state for devolution?

When I was Secretary of State for Wales the thing that everybody in Wales told me that we had to do was move to a reserved powers model, that would be the foundation for a new sustainable devolution settlement and that we can get on with our lives and talk about improving the economy. Then that gets delivered and then straightaway we are on to



the next set of constitutional arguments. Do you think that we can ever get to that calm steady state?

Professor McAllister: I understand your question and maybe I should have said more sustainable, because I do not believe that there is—constitutional matters are not clearly logical, where there is a clear end and you reach it and everything is fine, because they are fluid and living and organic and all the rest of it.

The UK constitution is in the same place with debates over the relationship between the Executive, Parliament, the judiciary, the public and voting systems and everything else. What I was saying was that we need a greater depth of security without as many dysfunctionality parts to allow us not to have these conversations quite so frequently. We will probably still need reviews because every constitution needs reviews. I think we hope that we create a steady basis that will allow that to be less frequently revisited in the future.

Q41 **Chair:** If I can return to what I started with, I mentioned your football involvement. We had the remarkable phenomenon of the Welsh team and their run of success and being on the world stage, a real sense of the nation getting behind it and linked to the Welsh language. Do you think there was something of a national reawakening? How would you describe that period in Welsh consciousness? Do you think there is any read across from that to anything that we have been talking about for the last hour and a half for the constitutional future of Wales?

Professor McAllister: I am always nervous to read across just because those are my two obsessions, football and politics. I am conscious that I probably have a bias built into that. Yes, you are absolutely right. The success of the men's team, and of course the women's team in the growth of the girls' and women's game, has certainly given a great confidence around Welsh identity. All credit to the Football Association of Wales for exemplifying that with bilingualism and the way in which we have sold all the positive aspects of our nation.

As you know, I was out in Qatar and we had representation from Welsh Government and UK Government. I met Ministers from UK Government while I was there, and we were able to sell Wales to the world on a huge platform. There has been an obvious crossover in visibility. I think the biggest weakness we have is that Wales is not known in big parts of the world and that does not create opportunities for us to do business and trade and so on.

I think more generally among younger people, there is certainly a very confident sense of Welshness, however you interpret that because there are various interpretations. That is encouraging because I hope the figures that have been quoted to us about poor turnout, which are entirely fair, and everything else relating to Welsh devolution, will change with the young generations because they think differently, having grown up through the devolution years.



Q42 **Chair:** Perhaps I could play devil's advocate and ask: isn't that the fundamental weakness of Welsh nationalism, that it expresses itself through cultural ways, linguistically almost in a separate bubble from issues of constitutional change, a political project around nationhood, and that one does not feed enough into the other?

Dr Williams: That is a very interesting question. One of the issues that has come up from time to time is what we mean by talking about a nation in the first instance. I say it is not a weakness that Welsh nationalism is culturally rooted and culturally vibrant. On the contrary, it is a great strength. My question then, relating to the work we are doing, is: does that not entail some assumptions about the capacity of people who share that culture to be as deeply involved as they can be in the decisions that most affect their daily lives? Is that not part of the dignity that essentially a national identity involves?

Q43 **Chair:** Let me be clear so that I am not misquoted on the use of the word "weakness". What I had in mind was here we are 20 years into devolution and we are talking about a bit more devolution here around justice, reforms to improve and make things better in intergovernmental workings and that kind of thing. I do wish you very well in your endeavours in the work of the commission. Sometimes it does not feel to me that that measures up to the strong, loud and confident expressions of nationhood that we saw during the period in the run-up to the World Cup. I am extending the discussion far beyond the time here and beyond the parameters of what I am allowed to. That was the thought.

Professor McAllister: Sport is a very emotional and expansive area. It is not just about selling Welsh identities. I say this now as somebody who is sitting on the most powerful federation of sport anywhere in the world. It is about showing that we can do things well in Wales because the reason that I was elected to exco is because of our success as a nation in football. We sit at the top table with the biggest football powers in the world with our Welsh flag in front of us in an international organisation that is more powerful than any other. It is an opportunity for us to sell what is good about Wales.

Chair: But we do not harness our cultural strengths and our energy and our confidence at that level to drive the kind of improvements and outcomes at a political constitutional policy level. That is my frustration.

Simon Baynes: As the MP for Clwyd South, I represent half of Wrexham County Borough Council and of course we have had a football phenomenon in Wrexham. To be serious about that, I fully agree with what you are saying, Professor McAllister, because that, as a microcosm of what is happening elsewhere in Wales, has been phenomenal in selling the name of Wrexham, and therefore Wales, particularly in the States or North America. It is also driving economic prosperity. It is bringing investment into the area. I think that just flying the flag for north Wales is a fantastic example of how football can bring so many benefits.



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Chair: Thank you very much. We have gone slightly over time and members are glaring at me because we are now running into Scottish questions downstairs in the Chamber. Thank you, again. I hope that we will be able to stay in contact and, as your work progresses, maybe meet again either formally or informally to continue the conversation. Thank you very much.