

Welsh Affairs Committee

Oral evidence: [One-off session with the First Minister of Wales](#), HC 1127

Wednesday 9 March 2022

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Members present: Ben Lake (Chair); Simon Baynes; Geraint Davies; Ruth Jones; Dr Jamie Wallis; Beth Winter.

Questions 1 to 24

Witnesses

I: Rt Hon Mark Drakeford MS, First Minister of Wales; Desmond Clifford, Director-General, Office of the First Minister, Welsh Government; Helen John, Deputy Director, Border Controls Programme, Welsh Government.

Examination of Witnesses

Witnesses: Mark Drakeford, Desmond Clifford and Helen John.

Q1 **Chair:** I would like to welcome everybody to this afternoon's session of the Welsh Affairs Select Committee. We are very delighted to welcome the First Minister of Wales, Mr Mark Drakeford, who has very kindly agreed to attend this afternoon's session with us. We hope to cover quite a few topics relating to intergovernmental relations and a few key themes that cross both the UK Government and the Welsh Government. There is plenty for us to get on with.

Just by a way of explanation, we also have on the call Helen John and Desmond Clifford. We very much welcome you. If you would just like to briefly introduce yourselves for the record, I would appreciate it. Could we start with Helen, please?

Helen John: Hello, I am Helen John. I am deputy director in the Welsh Government leading on the border controls programme.

Desmond Clifford: Prynhawn da i chi i gyd—good afternoon to you all. I am called the director-general of the Office of the First Minister. I essentially take an interest, from a Civil Service perspective, in anything the First Minister takes an interest in. Thank you. It is nice to be here.

Q2 **Chair:** You are both very welcome. If I can begin, then, Prif Weinidog, I would like to ask you about the review of intergovernmental relations. In particular, how confident are you that the new structures proposed by the review will be more effective than the previous arrangements?

Mark Drakeford: If we were setting the bar there and asking whether they will be better than the previous arrangements, I suppose I would be confident. The previous arrangements were honoured in the breach rather than in reality. They have not met at all in the period since Mr Johnson has become Prime Minister. The new arrangements will not have to be a lot better to be better than that.

I am hopeful about them, though. They are the result of a lot of hard work between the four Governments of the United Kingdom. They contain a number of features, which the Welsh Government have been particularly keen to promote in our *Reforming our Union* document.

The fact that it has a structure and then hopefully a reliability in the way that structure is implemented means that we must be hopeful that, provided they are implemented in the spirit in which they have been negotiated, they will provide a new sort of reliable platform on which intergovernmental relations can be conducted.

Q3 **Chair:** Has a timetable been set out for the implementation of the new machinery? In particular, for example, has a meeting of the Prime Minister and Heads of Devolved Governments Council been scheduled yet?



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Mark Drakeford: No meeting of that sort has been scheduled. There will be meetings this month of both the intermediate tiers, the finance group and the inter-ministerial group. Those are both now confirmed and in the diary for this month. Those will be the first meetings of both of those. For the third tier, the inter-ministerial groups on a portfolio basis, quite a number of those were in existence already. More are being organised. Those meetings have continued ever since the document was published on 13 January.

I should say that the explanation I have heard as to why a meeting of the council has not been called suggests that it is linked to the fact that there is no Executive in Northern Ireland. Indeed, pretty soon after the IGR was published there was no Executive. If that is the case, I have some sympathy with that. Ideally, you would want the council, the fulcrum of the arrangements, to meet for the first time when all four component parts are able to be there.

Q4 **Chair:** Finally from me, in terms of the inter-ministerial standing committee, who do you expect will be attending those sessions in terms of actual personnel?

Mark Drakeford: Our Finance Minister, Rebecca Evans, will lead for the Welsh Government in the finance committee. I intend to be present at the first meeting of the inter-ministerial standing committee. I will be accompanied by the Counsel-General, who has responsibility for constitutional matters in the Welsh Government. After that, I am happy to take a case-by-case set of decisions. Depending on what is on the agenda, the right Minister from the Welsh Government will attend. Sometimes that could be me, but at other times somebody else will have greater insights into the business that is to be transacted.

Q5 **Dr Wallis:** Can I just begin by echoing the comment that it is a privilege to have you before the Committee this morning, First Minister? Thank you very much for your time. I would like to begin by finishing off briefly on intergovernmental relations. How would you describe the current level of intergovernmental co-operation, as the UK nations move to the "living with Covid" stage of the pandemic?

Mark Drakeford: I would probably have to describe them as not as good as I would like them to be. I say that for two reasons. First, structurally, particularly in the second year of the pandemic, we developed a regular pattern of meetings on a Wednesday late afternoon, chaired by Michael Gove in his capacity then in the Cabinet Office and involving the First Ministers of the other three nations. Those meetings did happen very reliably, week after week, sometimes on a fortnightly basis, but they were there. I felt that they made a significant contribution to making sure there was a regular forum in which matters of mutual concern could be discussed and issues that any member of that group saw on the horizon could be signalled.



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The regularity of those meetings seemed to be very important, because they were a forum in which we could work together to help to allow the UK to succeed in our combined efforts to address the pandemic. Recently, that regularity and that reliability has broken down. We were due to have a meeting of that group later this afternoon. As I was coming into the room here, I was told we have just heard that it is not to go ahead. It did not go ahead the last time it was in the diary either.

For me, it is not such much a matter of whether there is enough business to make the meeting worthwhile; the fact of the meeting itself is important in having a forum where the United Kingdom comes together. I completely understand that there are huge things going on in the world and many pressures on people's time, but nonetheless that regularity that we had established has begun to be significantly eroded in the last couple of months, and I regret that.

The other reason is a substantive reason in terms of the subject matter. We have had some very difficult meetings that essentially revolved around the move to living safely with Covid, as we say in Wales. If you do not mind, Chair, I will just take a moment to explain it. Quite early on in the pandemic there was a proposal by the UK Government that, when it came to testing arrangements, instead of there being a Barnett share of the funding used in England, we should pool that funding and have a UK programme. I thought that was the right thing to do; I was happy to agree to that. I think it has been a success. That means it is a four nations programme with all four nations contributing funding to it.

About a month or six weeks ago, we began to hear that the UK Government were intending to close the testing programme. Other parts of the United Kingdom had different ideas about the speed at which that should be carried out and the scale of residual testing that would still be available across the UK. These structures should have allowed us a space to reach agreement on that, but that never happened.

In the end, a unilateral decision was made by one partner in a four nations agreement to withdraw from it. I am afraid that has not been the greatest sign of the success of the arrangements we have had in place, which ought to have led to an agreed way forward rather than one partner deciding to go it alone.

Q6 Dr Wallis: Thank you very much for your answer, First Minister. If I can just move on now to the Covid inquiry, you have made it clear, quite rightly in my opinion, that on devolved matters you and the Welsh Government are the decision-makers. For example, you have made that abundantly clear on matters such as the M4 relief road.

On that basis, considering Wales has the highest Covid death rate per 100,000 of the population, according to the ONS, and approximately 25% of Covid transmissions in Wales occurred in hospitals, why do you not agree that there needs to be a Wales-specific Covid inquiry alongside a UK one? Why do you not agree with your Labour colleague, Chris Evans



MP, on this? Is it a case of wanting responsibility but not accountability?

Mark Drakeford: As it happens, I agree with the Prime Minister on this. We are agreed that a UK-wide inquiry, with a specific focus inside it on all the decisions that were made here in Wales, is the best way in which answers will be crafted to the many questions that inquiry quite rightly will need to consider. As I have just explained, many of the decisions made during the pandemic were made on a four nations basis. Even when we were exercising our own powers to do things for ourselves, it was always within the wider UK context.

I am very committed to there being an independent inquiry into the decisions that were made here in Wales. I am comforted by the appointment of Judge Hallett to lead that inquiry, because, as well as having a very significant CV in inquiries of this sort, she also led a very significant inquiry into an important and controversial matter in Northern Ireland. She comes to the inquiry with a very well developed sense of the devolution context. I have been in a series of discussions and correspondence with the Prime Minister's office on the terms of reference for the inquiry, which I believe are likely to be published very shortly for public consultation.

Again, I am optimistic that the terms of reference for the inquiry will allow it to do what I want it to do: to get the best possible answers for people who are looking for those answers. You would not get them if you severed Wales off from the wider UK context in which this pandemic was addressed. That is why a UK inquiry, with the capacity to have a specific focus on decisions made here in Wales, is the best way forward. On that I agree with the Prime Minister.

Q7 **Dr Wallis:** I want to touch very briefly on freeports. I do not have a great deal of allotted time left, but could you just summarise where we are in your discussions with the UK Government on freeports? Specifically, is there an agreement along similar lines to what has been announced in Scotland? If not, is that one of your red lines? Will you insist on similar levels of funding as to what has been provided in Scotland in order to support the freeports programme?

Mark Drakeford: I am pleased to report that there have been constructive and promising discussions in relation to freeports in Wales. It is not the Welsh Government's policy, of course; it is the policy of the UK Government. Since Secretary of State Gove became responsible for these matters, we have seen a significant acceleration in discussions. You can see that in the Scottish context, but they have happened in the Welsh context as well. We are just at the point at which officials are concluding the detailed discussions that they have carried out, and it is to go back to ministerial level for the resolution of any remaining outstanding issues.

I wrote to the Treasury, when it was still responsible for this policy, nearly a year ago. I set out three key conditions as far as the Welsh Government were concerned: if we were to be involved in a freeport



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development in Wales, there should be no diminution of environmental or employment rights for the people working in a freeport; on decisions where responsibilities overlapped, there should be co-decision-making jointly between UK and Welsh Ministers; and the level of funding for a freeport in Wales should be the same level of funding as had been offered for freeports in England.

I am not completely familiar with the detail of the Scottish arrangements, but there was a sum of money that the Treasury said would be available for every freeport development in England. It was a simple position for the Welsh Government to take: the same level of support ought to be available in Wales.

Q8 Geraint Davies: Welcome, Mr Drakeford. It is good to see you. Can I ask about fair funding for Wales and your views on that? To start off, what is the Welsh Government's position on the Government's levelling-up agenda?

Mark Drakeford: On the general issue of fair funding, the Welsh Government's position has for a very long time been that the Barnett formula has exhausted its usefulness, that it is crying out for reform and that funding should flow across the United Kingdom on the basis of need rather than spending decisions made in any one part of it. For me, that is fundamental to the case for the United Kingdom: we pool our resources and we share them out according to our need.

In the big picture, there is a missing piece of work there. When I was Finance Minister, I negotiated the current arrangements with the then Chief Secretary to the Treasury, David Gauke. In the interim, those arrangements have worked reasonably well.

Q9 Geraint Davies: What about levelling up? Does levelling up make any difference? Is it just tinkering?

Mark Drakeford: We have to see levelling up in the wider context. The fundamental context for Wales is a decade of austerity in which our budgets today are barely what they were 10 years ago. Had the resources available to the Welsh Government simply kept pace with the growth in the economy, if in real terms we were no better off but we had continued to have our share of economic growth, there would be between £2 billion and £3 billion more in our budget today than we have. That dwarfs anything that comes through the levelling-up agenda.

The Brexit context is the other key context. Our economy will be 4% lower than it would have been had we not left the European Union. That is an impact on our economy far in excess of anything the levelling-up fund will address. As a consequence of leaving the European Union, because the current Government have so comprehensively abandoned their promise that Wales will not be a penny worse off, we will actually be £1 billion worse off than had we continued in membership of the



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European Union, and had had agricultural and structural funds support at the level we enjoyed in the last seven years of multiannual funding.

When you put those two things on the table, what we have lost to austerity and what we have lost from leaving the European Union, the levelling-up funds that are coming our way are small beer.

- Q10 **Geraint Davies:** In addition, I was going to ask for your view on rail funding. As you will know, you have 5% of the population and something like 1.5% of the rail enhancements over a number of years. My understanding at least is that, if we had our share of HS2 on the same basis as Scotland, we would get something like £4.6 billion. Do you have any views about that? Should we have that money to help deliver net zero and greater productivity et cetera?

Mark Drakeford: Investment in the rail infrastructure in Wales, which is a responsibility of the UK Government, is one of the scandals of the last decade. Again, promises were made—Mr Davies will know this better than I—to electrify the main line all the way to Swansea. That promise was abandoned, alongside the proposal to build a Swansea Bay tidal lagoon. We have 22 miles of track electrified in the whole of Wales. There are thousands of miles electrified in other parts of the United Kingdom, and we have 22 miles. Wales has lost out very badly indeed in that very important area of infrastructure.

On top of that, the Treasury changed the rules on HS2 comparabilities. For those of you who know the ins and outs of the Barnett formula, it relies on comparability between departmental expenditure in England and what we get in Wales. The comparability of transport funding fell between the last comprehensive spending review and the current one from something like over 80% in the last comprehensive spending review to around 30% in the current one.

That is because we are getting no consequentials at all from HS2 funding. Scotland is getting £10 billion, as Mr Davies suggested, for reasons that are unfathomable in any objective sense, because HS2 goes to Birmingham. I sometimes hear UK Conservatives suggest that we get a benefit from that and therefore we should not get any further benefit. If we were to have that benefit, we would have had billions of pounds that we could have invested on transport infrastructure in Wales.

- Q11 **Geraint Davies:** Finally, as we know, the demography of Wales is different from England and the UK. It tends to be a bit older, there are more people with disabilities and there is generally more need. The average health is not as good. In the latest calamitous situation that we face, in the middle of an appalling war and the invasion of Ukraine, energy prices are going up. Given that there has been a historic lack of investment, as you have said, how should the UK Government respond to Wales in particular to help people through this period, boost productivity and help households at the same time?



Mark Drakeford: There are two important points in that question. Mr Davies is right: Wales does have an older, poorer and sicker population than the rest of the UK. I did not pick up what Dr Wallis said about Wales having had a higher death rate during the pandemic. I will not get into an argument with anybody about the number of people who have died. Far, far too many people died. When you compare death rates in Wales with death rates elsewhere on the basis of the different populations, our death rates are not the worst in the United Kingdom by any means.

In relation to the cost of living crisis and its exacerbation by events in Ukraine, there are two things that we should look to the UK Government and the Chancellor in particular to do in his spring statement. He needs to come forward with further measures to support those households—there will be greater concentrations of them in Wales—who face the severest impact of rising food prices, rising fuel prices, and national insurance contributions being raised.

More needed to be done before the impact of the war in Ukraine, but surely the case is very stark now. Benefits will rise by 3.1% on 1 April. Very sober commentators are expecting inflation to be above 8% within the next couple of months. That is a real-terms erosion in the living standards of the poorest people in the United Kingdom, which only the Government can put right.

Q12 **Simon Baynes:** Thank you, First Minister, very much indeed for coming before us this morning. It is greatly appreciated by us all. One of the last times that I appeared virtually with you was at a meeting of AVOW from Wrexham, when we were both interviewed by young people who told us both that we had to give yes or no answers. I will not set that boundary today.

What discussions have you had this year with the UK Government regarding the shared prosperity fund?

Mark Drakeford: Thank you for that question. I know that questions from young people are often among the hardest that we get asked.

On the shared prosperity fund, I would like to strike a slightly more optimistic note in this area. There have been no ministerial discussions of substance, although I did not have an opportunity to discuss this with UK Ministers in the margins of the British-Irish Council when that was held in Cardiff towards the end of last year. There have, however, been significant discussions at official level. Those are indeed continuing this week.

They involve Sue Gray, as the Permanent Secretary in the Department for Levelling Up. There is meant to be a meeting between Ministers shortly thereafter, maybe even as early as next week. The Welsh Government's position is fairly simple on this. The key to unlocking Welsh Government participation in the shared prosperity fund is that we are co-decision-makers when it comes to the end of that process.



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If we are co-decision-makers over the way the fund will be used, the Welsh Government will contribute resources into the whole process, in terms of the time of officials here and the expertise that we have in people on the ground. We will work to make sure that any expenditure through the shared prosperity fund is aligned with the much bigger budgets that the Welsh Government have in those areas so that we get the maximum impact from that expenditure. If we are co-decision-makers, that is the part we would look to play.

If we have no role in decision-making—and we had no role at all in decision-making in the predecessor fund—there is no basis on which I can release the resources of people employed to support the Welsh Government to be part of that process.

Q13 Simon Baynes: Thank you very much for that. I was very encouraged by your comment about how the UK comes together when you were discussing the issue of a separate inquiry with regard to Covid in Wales. I wanted to have a look at the involvement of the armed forces in helping particularly the health service in Wales. I wondered whether you could elaborate on that and tell us how many members of the armed forces are currently involved and what their remit is.

Mark Drakeford: Thank you, because that is an opportunity to put on record our enormous thanks to those members of the armed forces who have assisted us here in Wales, as they have assisted in all parts of the United Kingdom, in responding to the extraordinary pressures created by coronavirus.

We have been very fortunate in the help we have had. It operates through the MACA process, which you will know about, the military aid to the civilian authorities process, in which any part of the United Kingdom is able to make an application. The decisions are made ultimately by the Ministry of Defence.

We have had help in two ways in particular. First, we had help in the vaccination effort, particularly when it has been at its busiest. We had some additional help back at the end of December and into January on the great omicron wave to get booster vaccinations into people's arms across Wales. That help has now largely returned to other armed forces duties.

We continue to have help in a second aspect, which is to help us with the pressures on the ambulance service. That help is of two sorts. We do have armed forces personnel driving ambulances, but we also have help with turning those ambulances around to get them back on the road again. As I know the Members of the Welsh Affairs Committee will understand, if an ambulance has carried a patient who is suffering from Covid, before that ambulance can get back on the road it has to be cleaned in a way that would not be the case for non-communicable diseases. We have had help from armed forces personnel on that as well. I do not have a figure in front of me, but I believe we still have 213



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people working with us on the ambulance side of things, but plans are in place for them as well to return to more regular duties as we move beyond the emergency phase of the pandemic.

- Q14 **Simon Baynes:** You are probably aware of a rather unfortunate case that took place in my constituency of Clwyd South in Johnstown. George Stevenson was hit by a car near his home and lay on the ground for just over four hours until an ambulance came. This was explained to me very movingly by his granddaughter, Ellie Williams. I completely understand that there are great pressures on the health service at the moment, but, if that is possible within the requirements of the Ukraine crisis, is there an argument for retaining more armed forces help?

Clearly, there is a huge problem, certainly in my area, with ambulance response times. I do not want to make an issue out of it, but it is an important issue to raise with you. Everybody working in the health service does their very best, and life is very complicated at the moment, but this is an issue that people are writing to us about that is causing great distress. Is there a way that we can really help and improve this situation?

Mark Drakeford: Thank you again for the question. Of course, it is distressing to hear of any case of the sort that has been mentioned. We continue always to be in discussion with the Ministry of Defence about the level of help that can be afforded to us. We absolutely understand that it cannot be open-ended and there are many other calls, particularly at the moment, on armed forces personnel.

We have used the period while we have had that help to bring on new recruits into the ambulance service itself. There will be a significant number of new members of staff who are being trained and who will be there to help us beyond the assistance we get from the armed forces. What has been said is absolutely true: the ambulance service and the system as a whole remain under very significant pressure.

For 48 months before March 2020, when the coronavirus crisis hit, the ambulance service in Wales met and exceeded its targets. That has not been the case since. The pressures of coronavirus have hit. Now, dealing with the aftermath of it, demand for the service and emergency demand for the service remains at an all-time high. We do continue to look for new ways in which we can make the service more resilient so that people get the service they need and deserve. In the end, that will have to be without relying on the help we have been lucky enough to have while the crisis has been with us.

- Q15 **Simon Baynes:** The Ukraine crisis has made all Governments rethink the situation with regard to the generation of power and electricity. Do you support a new nuclear power station at Wylfa Newydd in Ynys Môn?

Mark Drakeford: Yes. In the past, before the UK Government decided not to go ahead with the previous plans, we worked with the Japanese company that was then responsible to see what we could do to preserve



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the site, which is thought to be still the best site anywhere in the United Kingdom for such a development.

More generally, though, the development of a new nuclear site is years away. Even if everything were to be done as quickly as possible—we are nowhere near the starting line for that—it will be years and years before electricity can be generated in that way. Renewables are the answer to the West's dependency on energy supplies from less reliable parts of the world. Wales has a huge part to play in an expanded renewables programme, particularly marine energy. That part of Wales, the Menai Strait, has a real contribution to make.

If I were looking to find a way of reducing our dependency on supplies of Russia, but not just Russia, and I wanted to do it quickly, I would be putting a real focus on what Wales can contribute, particularly through marine, to a reliable and long-term ability to meet our needs through renewable means of energy generation.

Q16 Ruth Jones: Thank you, First Minister and officials, for joining us this afternoon. It is very much appreciated. You may be aware that, last week, the Welsh Affairs Select Committee had a trip out to north Wales for the first time in many years, it seems. We went to Holyhead, and it was really good to see the port there. In terms of the sanitary and phytosanitary facilities, and checks and things, to what extent are the Welsh Government involved in preparing those facilities, not just for Holyhead but also for Milford and Pembroke?

Mark Drakeford: The Welsh Government are responsible not for the HMRC part of facilities at Holyhead but for the SPS checks that will be needed there. My colleague Vaughan Gething will make an announcement before the end of this week on the next steps forward in relation to facilities at Holyhead, which is by some distance the busiest of the three ports that we have to take account of. He will also have things to say about facilities in the south west of Wales. I must not anticipate what he will say, but that announcement will be made before the end of this week.

It is a challenge. The timescales are a challenge. If the UK Government go ahead with arrangements as they currently have them on 1 July, we will be ready to discharge our responsibilities. We will not be able to do them in the way we will in the longer run, because the permanent facilities will not be ready by then, but that does not mean we will not be able to do the things we need to do.

Q17 Ruth Jones: It is good to hear that the Welsh Government are getting ready for this. They have rather delayed and drawn out arrangements, it has to be said. It has been years rather than weeks before a hard decision has been made. What contact has there been between the Welsh and UK Governments with regard to these interim arrangements and the mixed regime? There is some confusion about the way forward in terms of the arrangements. How much communication has there been between



the two Governments?

Mark Drakeford: We do have regular contact. I will probably ask Helen to supplement this answer, because she is involved more directly than I am.

To take one step back, from my point of view, what is all this about? We have traded for 40 years with our nearest and most important neighbours without a check of any sort being necessary. Now we are now faced with real barriers to trade and millions of pounds having to be spent in order to make trade more difficult rather than, as we would have wished to see, economic arrangements with the European Union.

This is not an argument against leaving the European Union; that was decided in a referendum. It is about the nature of the relationship you have beyond our membership. We would have argued for an economic relationship that would have meant we would not have needed these checks at all. Here we are talking about, as Ruth Jones has said, years of effort, millions of pounds and trade being more difficult at the end of it than the start of it. For what purpose? As I say, these are neighbours and friends of ours with which we have traded without any of these checks for decades.

I will ask Helen to give us a little bit more detail, Chair, if you are happy for that to happen, on the discussions we have with the UK Government about these evolving arrangements.

Helen John: In terms of co-operation with UK Government, officials are meeting three or four times a day on a whole variety of issues around the checks from 1 July, whether that is the IT system, which Defra and HMRC are leading on, the precise nature of the checks or how we are responding to the national shortage of vets. That is not a Wales issue. It is a much wider issue.

One of the biggest issues for us and those people who are importing through our ports is the uncertainty around the Northern Ireland protocol. You will know that the UK Government suspended the start date of 1 January for the west coast-facing ports. That is not just Wales; it includes Liverpool, Heysham and Scotland as well. There are some things, such as the things that started for traffic from France back in January, for example, with documents coming in and that kind of thing, that we do not have at the moment.

The plan is that everything starts on 1 July with the document stuff and the physical checks. One of the things that our businesses want is certainty. We all appreciate why the Northern Ireland protocol is so difficult and that there are many other things going on in the world, but that uncertainty is a particular issue for Wales at the moment.

Q18 **Ruth Jones:** Thank you. That was made very clear to us on our visit. My final question is about the extension to the Aberpergwm coal mine. We



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met with the Secretary of State for Wales, and I am still not clear from his answer as to whether it is the Welsh Government, the UK Government, BEIS or the coal board that has authority for this. First Minister, what are your thoughts on who has the authority to grant it? What are your thoughts in terms of the actual extension?

Mark Drakeford: The advice to the Welsh Government, the advice to Ministers, is very clear indeed that we do not have the powers to intervene, because these were licences granted before the powers were transferred to Wales. We do not have the ability to intervene retrospectively on those matters. It is a matter for BEIS to make that decision. As you know, Julie James, our Minister for Climate Change, wrote to BEIS asking it to exercise those powers and not to grant an extension to coal mining at Aberpergwm.

We have a very clear energy hierarchy in Wales, and the bottom of the hierarchy—the last thing we should be doing—is to extract more oil and gas from the ground in Wales. These are finite resources. Wales's long history means that those resources were taken away from Wales over many years. We believe that, while we are facing a climate emergency, those resources should remain in the ground and alternative means of securing the power and energy we need should be found.

Ruth Jones: Thank you, First Minister. That is very clear.

Q19 **Beth Winter:** Croeso, Mr Drakeford, a diolch am ddod heddiw. Mae'n bleser eich gweld chi. Thank you and welcome. It is a pleasure to see you today.

My first question relates to Ukraine. Wales has stated an ambition to be a nation of sanctuary. You have made a commitment to welcome refugees to Wales and indeed you have committed over £4 million in resources for humanitarian aid. So far, the UK Government have accepted 760 refugees out of 22,000 applications. What would your message be to the UK Government at this time?

Mark Drakeford: Diolch yn fawr i Beth Winter am gwestiwn pwysig. Thank you very much for that very important question. I begin by saying that, whenever I have met UK Government Ministers in the Ukraine context—we have had regular opportunities to do that—they always emphasise their wish for the UK to be a welcoming nation and to offer the necessary access to the UK to people seeking to flee the dreadful events we see in the Ukraine. My answer is not intended to cast a doubt on their intentions.

Nobody surely could argue that the way in which those intentions have been translated into facts on the ground can possibly be regarded as satisfactory. We have urged the UK Government to allow people to come to the United Kingdom and do the necessary checks when they have arrived rather than, as we see, placing highly restrictive, impossible to operate and bureaucratic challenges in the path of people who are fleeing a warzone. It is doing enormous damage to the reputation of the United



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Kingdom on the international stage, and, more than that, it is causing huge distress to people who surely we should be doing everything we can to help in this dire emergency.

Q20 Beth Winter: My next question relates to the Sewel convention, quite frankly. In the last couple of years, we have seen a number of pieces of legislation that have been passed in Parliament that the Welsh Government has had neither the opportunity to debate nor determine whether to give consent. Indeed, there have been a number of pieces of legislation regarding which the Welsh Government have withheld legislative consent. The internal market Act is the obvious one. What are the implications of what has been happening for Wales? Indeed, is it fit for purpose anymore?

Mark Drakeford: What has happened with the Sewel convention is very serious. The Sewel convention was honoured for the best part of 20 years, with UK Governments of different political persuasions not legislating in devolved areas where devolved legislatures did not give consent for that to happen. That has altered for the worse in recent times.

It happened first of all over the Act that took Wales and the rest of the United Kingdom out of the European Union. While I did not agree with the UK Government in overriding the lack of consent from the Welsh Parliament, the Scottish Parliament and the Northern Ireland Assembly, I could at least understand the argument that this was a once-in-a-lifetime Act—a major Act of overriding constitutional significance. The Sewel convention says that it would not normally be the path of the UK Government to override devolved legislatures, but in that case you could argue that the conditions were genuinely not normal.

Now we see examples where the Sewel convention has been ignored, for example in the passage of the Animal Welfare (Sentencing) Act. What possible explanation could there be for saying that could not have been dealt with in the normal way? We are very likely to see the UK Government push ahead with the Professional Qualifications Bill, which once again the Senedd has not consented to.

My anxieties are twofold. It is the fact that Sewel is being breached time after time, and that it is being breached not just in very serious and exceptional pieces of legislation but in things that are the everyday diet of the legislature of Westminster.

I gave evidence on this, Chair, to the House of Lords Constitution Committee. It reported very recently on its inquiry. It makes a series of recommendations about how Sewel could be strengthened and entrenched. As a minimum, it would seem to me that the UK Government ought to accept and act on the recommendations in relation to Sewel that the House of Lords Committee has made.

Q21 Beth Winter: My final question relates to coal tips. Rhondda Cynon Taf,



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where Cynon Valley is situated, has the highest level of high-risk coal tips of the 2,500 that are in Wales. I am sure you will understand that people in our communities across Wales are very worried about this, particularly with the climate crisis we face. These tips pre-date the devolution settlement.

The whole of the UK, and indeed the world, benefited from the coal that was extracted. In recent weeks, we have had conflicting responses from the Climate Minister and the Secretary of State in terms of whose responsibility it is, because there is a cost of between £500 million and £600 million over the next decade and a half that has to be met to make these coal tips safe. I am interested in your view on this, please, First Minister.

Mark Drakeford: I thank Beth Winter for that important question. I read the Secretary of State's evidence to your Committee and I read the Members' exchanges with the Secretary of State on this matter. I am going to be as generous as I can here. I thought the answers the Committee were given misunderstood the nature of the debate. Both the Secretary of State and the Parliamentary Under-Secretary told your Committee that what was needed for coal tip safety in Wales was £5 million a year.

I have the quote in front of me. David T. C. Davies told you that "it needs £5 million a year to keep those tips safe". Frankly, that is not simply the case; £5 million is what is spent now on year in, year out maintenance of tips, but that is not sufficient to keep them safe in an era of climate change. It was not sufficient to keep the Tylorstown tip safe; it was not sufficient to keep the Wattstown tip safe.

We know, from the actions of the non-devolved Coal Authority, that there are more than 30 tips in Wales at the most serious end of risk to those communities. The £500 million over 10 to 15 years is the figure the Coal Authority uses to make coal tips safe for contemporary conditions. It is not £5 million at all. That really did not represent the advice that both Governments have had.

The question is where that money should come from. The coal tips were there far before devolution. The actions that were taken in the 1980s were, let us assume, sufficient to make them safe in the climactic conditions that prevailed at the time. In an era of climate change, with extreme weather events happening more frequently, concentrated because of their topography in valley areas, we have to act now to make those tips safe for the future. We believe that is a responsibility that should be discharged by the UK Government. It would be a real and tangible demonstration of this UK Government's commitment to the whole of the United Kingdom.

A Secretary of State telling us that somehow a settlement in 1999 gave us the money that we need to address these new and extraordinary circumstances is unfathomable to me. If the Welsh Government have to,



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we will find the money. I have given that absolute commitment to those communities. We will only be able to do it by taking money away from other purposes for which money has been provided: for building hospitals, for building schools, for investing in the railways and for making sure we have digital infrastructure that is fit for the future. We will have to divert money away from those processes, if the UK Government continue to refuse to do what we think they ought to do and provide assistance to us.

In Treasury terms, we are talking about £50 million a year over 10 years. This is not make-or-break money as far as they are concerned, but it is make-or-break money for those communities represented by Beth Winter and other colleagues, where the fear of coal tip safety is rooted deep in the history of those communities.

Q22 Geraint Davies: Can I bring you back to the Ukraine crisis? We know that 2 million people have tragically had to leave the Ukraine, and over 1 million have been taken in Poland without anything approaching the checks that we are demanding. People who arrive at Calais then have to go to Paris. What would your message be on how we can speed this up and pay our fair share? In particular, you said Wales is a nation of sanctuary; Swansea is a city of sanctuary. We want to offer what we can to people escaping the barbarity of Putin.

Mark Drakeford: The outpouring of generosity among people in Wales and across the whole of the United Kingdom, seeing what is going on in Ukraine, has been absolutely outstanding. That sense of generosity needs to be matched by the Government who serve them at Westminster.

Frankly, putting this in the hands of the Home Office is quite the wrong thing to do. The Home Office has a long history of hostile regimes to people coming from elsewhere in the world. The responsibility should be taken away from a Department that has demonstrated its incapacity to mobilise and meet the response, and put in the hands of a dedicated group of people at the UK level who will do what is necessary to help these people who have been driven from their own homes and who would, temporarily in many cases, wish to have sanctuary in the United Kingdom, to make sure that the actions of our Government match the wishes of our people.

Q23 Geraint Davies: There have been comments from UK Ministers about how we need to be careful that they are not KGB spies or around the need to pick fruit et cetera. Those do not seem to be the sorts of responses that we have seen from other countries across Europe. How do you respond to that?

Mark Drakeford: They are women and children. These are elderly people driven from their homes. It is surely not beyond the capacity of this country, a sophisticated country with an intelligence capacity, to carry out those checks when people have arrived here. It is not an argument against having the necessary checks; it is where you conduct



them and how you conduct them. People should be allowed to come here. The vast majority of them pose no threat at all. The checks that are necessary to identify people who may be a threat can be done after people have arrived, not while they are waiting in starving conditions with very little hope of those conditions being resolved.

Q24 Simon Baynes: First Minister, this is a very specific question relating to coal for heritage railways. I know you know this is a complicated subject, and it has become even more so given the fact that we will not be importing coal from Russia. I am not asking you to give a specific answer at the moment, but I just want to flag it because it is very important to Llangollen railway and many other of my Welsh colleagues. To be honest with you, we put the same question to the UK Government. If there is a way whereby some coalmining could take place with that specific end in mind, we do need to give this some thought in the current environment.

Mark Drakeford: I thank the Member for that question. I am absolutely aware of the issue. The Welsh Government want to find a solution that is proportionate to the importance of a very niche use of coal in a way that does not undermine the overall policy. I will give you an assurance that we are aware of it and keen to work to a solution.

Chair: We have just run out of time. I would like to thank the First Minister, Helen and Desmond for joining us this afternoon and for answering quite a broad range of questions. Diolch yn fawr iawn i chi. I call this meeting to order.