

## 6.3

# Wales: devolved government and national politics

*Devolved government in Wales started as a radical innovation in bringing government closer to citizen. Its generally successful development has seen the National Assembly for Wales and the Welsh government acquiring more powers – and perhaps being reformed in some respects. **Jac Larner** and the **Democratic Audit team** explore how democratically and effectively these central institutions have performed.*

### What does democracy require of the devolved National Assembly and government in Wales?

- ◆ The legislature should normally maintain full public control of government services and state operations, ensuring public and Assembly accountability through conditionally supporting the government, and articulating reasoned opposition, via its proceedings.
- ◆ The **National Assembly for Wales** (sometimes referred to as the Senedd, after the building in which it sits) should be a critically important focus of Welsh political debate, particularly (but not limited to) issues of devolved competence. It should articulate ‘public opinion’ in ways that provide useful guidance to the Welsh government in making complex policy choices.
- ◆ Individually and collectively legislators should seek to uncover and publicise issues of public concern and citizens’ grievances, giving effective representation both to majority and minority views, and showing a consensus regard for the public interest.
- ◆ The Welsh government should govern responsively, prioritising the public interest and reflecting public opinion across Wales.

The current institutions were implemented as part of the Blair government’s devolution settlement, and were endorsed by Welsh voters in 1997. The National Assembly for Wales in Cardiff has 60 AMs, elected by only a very roughly proportional representation system (the additional member system). It has fewer powers than the Scottish Parliament. The Welsh government accounts to the Assembly for how it runs all the devolved policy areas. The government is currently headed by the Labour Party leader, First Minister Carwyn

Jones (until autumn 2018, when he plans to stand down), who leads a coalition of Labour, plus a single Liberal Democrat and an independent AM drawn from the Assembly.

The Labour Party drew up the initial plans for the Assembly in a one-party manner, without any formal apparatus of public or cross-party decision, in contrast to the Constitutional Convention that operated in Scotland. Elections for Assembly Members use a ‘British’ additional member system method, with 40 constituency AMs, the vast majority of whom are from the Labour Party. There are only 20 seats to allocate at the top-up stage (33%), far less than in Scotland or London, and too few to achieve more than very rough proportionality. Labour has been continuously in power in Cardiff since 1999 – in sole power for nine years, and otherwise in coalition governments. In the early run-up to the 2017 general election there were some predictions that its predominance in representing Wales at Westminster would be decisively reduced, but these turned out to be incorrect.

## Recent developments

Wales has received a good deal of funding from the European Union in the last two decades, but the country nonetheless voted to Leave (52.5%) at the Brexit referendum. The Brexit process is likely to have wide-ranging effects for devolved democracy and governance in Wales. Chief among these is the potential transfer of policy competencies directly from the EU to the National Assembly. The Wales Act (2017) changed Wales’ devolution settlement from a conferred model (where Westminster lists what the devolved government can do) to a reserved model (where Westminster instead lists the powers reserved to the UK government).

All other things being equal, this change means that areas of EU policy that are not explicitly reserved should therefore be transferred to the Assembly. Farming is a particularly important issue for Wales, considering that 90% of Welsh agricultural exports go to the EU, and that 80% of Welsh farmers’ income comes from the common agricultural policy (CAP). Whitehall had suggested that some of these powers (such as agricultural subsidies) may be stripped from devolved competency and placed centrally in the hands of Westminster. For this to come about, the **Sewel convention** (governing Westminster/devolved country relations) would seem to require the consent of the devolved legislatures. While this legal struggle between Westminster and Scotland remains, the Welsh government (with fewer powers at stake) reached a **compromise** with Westminster over the process of **power transfers** (see **Chapter 5.6**).

Strengths, Weaknesses, Opportunities, Threats (SWOT) analysis

Current strengths	Current weaknesses
<p>The National Assembly for Wales has long been seen as a success story in terms of representing all four main parties in Wales.</p>	<p>The National Assembly has not seemed to be a relevant institution in the day-to-day lives of the Welsh public. Levels of participation and interest in the institution have been low.</p>
<p>In 2003, the Assembly made waves worldwide as the first national legislature in the world to achieve a 50:50 gender balance. Following a by-election in 2006, Wales achieved a further milestone, with female AMs outnumbering their male counterparts in the Senedd for a brief period – neatly reflecting Wales’ demography where women make up 52% of the total.</p> <p>These results largely reflect the electoral dominance of Welsh Labour and the positive measures to promote gender equality that it put in place. ‘Twinning’ of constituencies and ‘zipping’ on the party’s top-up candidate lists both mean that men and women must alternate in being elected. Labour has an impressive record on women’s representation: 55% of Welsh Labour’s constituency AMs and 71% of their top-up list AMs since 1999 have been women. Plaid Cymru have also enacted some positive measures themselves – so 51% of Plaid list AMs have been women and 27% of constituency AMs.</p>	<p>Since 1999 low levels of voter engagement have been a constant issue for the National Assembly, with mean turnout for its elections a relatively low 43%. This is 21 percentage points lower than the average Welsh turnout for general elections in the same period. And it lags behind average turnout for the Scottish Parliament (53%), and the Northern Ireland Assembly (61%).</p>
	<p>Enthusiasm for devolution has historically been lukewarm in Wales. The 1997 referendum, which asked voters if they wanted a National Assembly for Wales, had a turnout of only 50% (compared to 60% in the equivalent Scottish referendum). The endorsement of the proposals was just 50.3% of votes cast, far less enthusiastic than in Scotland (74%).</p>

Current strengths	Current weaknesses
	<p>The 2011 referendum on further powers for Wales provided a far more positive result for proponents of devolution. Some 63.5% of the population voted in favour of giving the Assembly more powers – yet only 35% of registered voters turned out to vote.</p>
Future opportunities	Future threats
<p>The fifth Assembly has seen a willingness between parties to work together to achieve a more accountable politics in Wales. After a shaky start, an early agreement between Welsh Labour and Plaid Cymru laid the groundwork for projects that the parties would work on together.</p>	<p>Brexit is likely to be the biggest challenge that the Assembly and Welsh government have faced in its relatively short existence. The potential repatriation of powers from the EU to the Assembly will test the capacity of the Welsh political institutions.</p>
<p>The publication of a non-partisan expert panel's report (see below) means that there is now a real chance that electoral reform and a reshaping of the Assembly could gain cross-party support. Any proposal for change would still have to pass a super-majority threshold of two-thirds support (built into the original scheme), but it is at least a possibility, with votes at 16 the likely first step.</p>	<p>The challenges of Brexit will occur almost simultaneously with the devolution of tax powers (which could encounter implementation difficulties) and a possible reduction in the number of Welsh MPs at Westminster (weakening Wales' voice within UK institutions).</p>
<p>The devolution of tax powers to Cardiff will also bring a new level of accountability to the Assembly (see <a href="#">Chapter 5.6</a>). For the first time the Welsh government will be at least part responsible for raising the funds it spends. This will bring a new relevance to the Assembly, and it will have to step-up and become an open and more effective place for debate and scrutiny in Welsh politics.</p>	<p>Leader of UKIP's Assembly group, Gareth Bennett, has announced plans for the party to adopt a policy of advocating for the abolition of the Assembly. Although opposed by at least two AMs in his own group, such a policy could appeal to the small but not insignificant number of people in Wales who wish to see an end to the Assembly. Although this is very much a minority opinion among the Welsh public, any campaign that feeds into feelings of political alienation and apathy (which are considerably more widespread) could pose a threat to the legitimacy of the institution if it gains support amongst the electorate.</p>

## Voting systems and elections

The British-style additional member system (AMS) used for the Welsh Assembly (sometimes also called mixed-member proportional or MMP) gives voters two votes, one for a candidate in a constituency, with the winner decided by plurality voting ('first-past-the-post'), and one for regional candidates allocated to even up overall party regional seat shares with their votes there (see [Chapter 2.2](#)). Critics in Wales have argued that increasing the size of the Assembly so there could be more top-up seats would lead to far more proportional outcomes. An expert panel, established by the Assembly's Presiding Officer (see below) and given the task of exploring reform of the electoral system, recommended changing this system to single transferable vote (STV; see [Chapter 2.3](#)). Substantial changes to the electoral system are unlikely however, as any new system needs a super-majority of two-thirds in the Assembly. This would require a large amount of support from Welsh Labour AMs, who benefit greatly from the current electoral system. That said, there have been some signs that the Assembly and the Welsh government may be moving, albeit slowly, towards electoral reform. In February 2018, the Assembly established a public consultation on [increasing the size](#) of the Assembly to 80 or 90 members. New legislation will also be introduced by the Welsh government to lower the voting age to 16 in all Welsh elections, in line with Scotland.

There have also been moves to examine the electoral system used in local council elections in Wales. In a January 2017 white paper, [Reforming Local Government: Resilient and Renewed](#) the Welsh government focused specifically on elections and voting (section 7). Among other proposals, it discussed whether candidates should have to declare whether they are a member of a political party (even if not standing for that party); preventing 'dual mandates' where sitting AMs are also elected as councillors; and the voting system to be used at council elections (which is currently plurality rule or FPTP). Surprisingly, the white paper floated the idea that each local authority might be able to individually decide whether they maintain the FPTP system, or to swap to a single transferable vote (STV) system, as used in Scottish local government. This could mean that rather than a single election system for council elections in Wales, it would vary from one local authority area to another. Careful consideration will be needed here since Welsh voters are already using multiple electoral systems: first-past-the-post (FPTP) at general elections; multi-member FPTP at local council elections; AMS at Assembly elections, and the supplementary vote (SV) for police and crime commissioners. Even more variation within Wales might create more confusion, and hurt engagement further.

## Proposals to reshape the Senedd

In addition to providing the Assembly with power over its electoral system, the Wales Act (2017) also provided the Assembly with the ability to change its name. Y Llywydd (the Presiding Officer) has since announced the Assembly will change its name to the Welsh Parliament, by 2021. Proponents hope this name change will raise the salience of the institution among voters, impressing the relevance of the decisions made there to their everyday lives. If such a change in attitudes is to take place, however, it will likely take more substantive action than the makeover these new powers allow for.

Recent political developments have raised questions over the Assembly's capacity to be an effective and accountable legislature that is able to provide scrutiny to the Welsh government. The potential repatriation of powers from the EU to the Assembly, Brexit negotiations and the devolution of tax powers over the next few years will be a significant test for the institution. This could be compounded by a likely reduction of up to one-quarter of Wales' current MPs at Westminster, as recommended by the Boundary Commission for Wales (cutting their numbers from 40 to 29). This is the largest proportional reduction of any of the four nations of the UK.

## The media system in Wales

Unlike Scotland, Wales has never had a strong or distinctive domestic media. Welsh Election Study (WES) data show that in 2016 less than 7% of the electorate in Wales regularly read a 'Welsh' newspaper. Additionally, in contrast to Scotland, UK-wide newspapers do not provide Welsh editions. Therefore, they typically won't contain information or news about the Assembly or politics in Wales. Furthermore, there is a serious lack of diversity among the printed press in Wales. WES data show that the three most widely read Welsh papers were the *Western Mail*, *South Wales Echo* and the *Daily Post*, all owned by Trinity Mirror (traditionally backing Labour in its lead title the *Daily Mirror*). The most visited Welsh news website, 'WalesOnline', is also owned by Trinity Mirror.

Welsh broadcasting has broader reach, but still faces constraints. On television, news content about the Assembly or Welsh politics must fit within a 15-minute supplement that follows the UK news on BBC or ITV. Some 42% of WES respondents reported watching *Wales Today* on BBC Wales, and 17% *Wales Tonight* on ITV Wales. Radio is a similar story to the Welsh press, with only 15% of respondents saying that they listened to Welsh radio programmes. Further analysis of this data suggests it is largely the same people who read, watch or listen to Welsh content. This means that a significant proportion of the Welsh electorate is rarely if ever exposed to information about what happens in the Assembly, or Welsh politics more generally. The situation looks unlikely to improve in the future. While the BBC has recently **announced** it will create a new TV channel in Scotland with a dedicated hour of Scottish news programming the step was not matched in Wales. Instead, Wales is to receive **£8.5m** a year in extra funding.

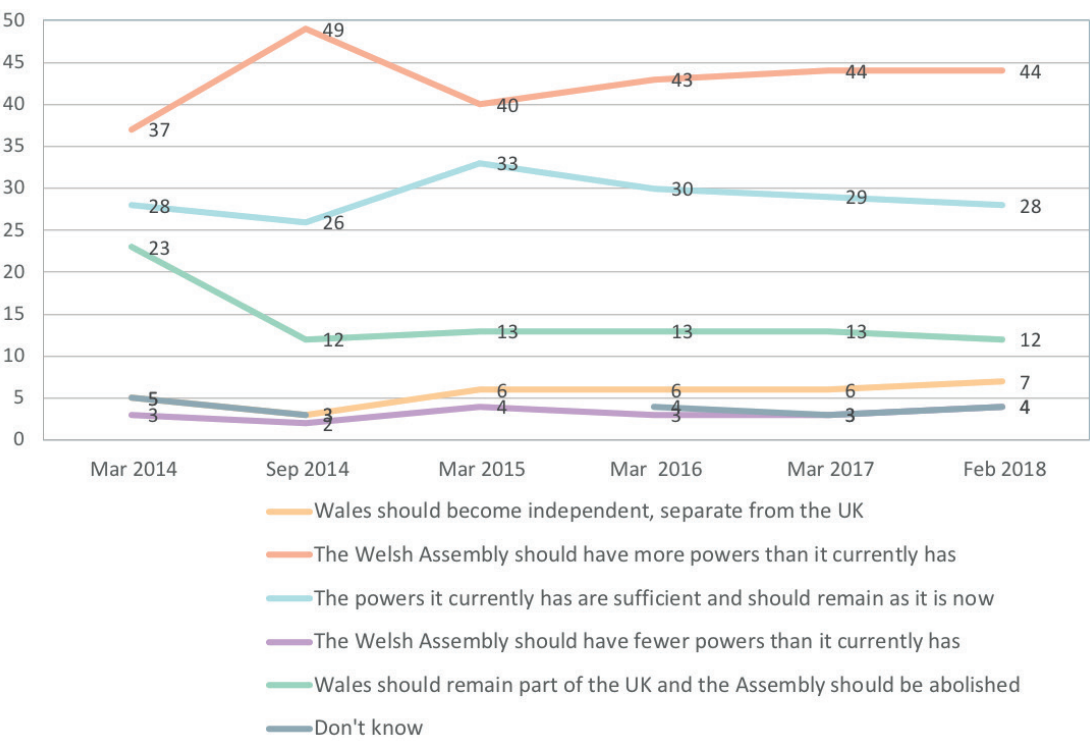
## Support for Welsh independence

Unlike Scotland, support for Wales to become an independent country has never been widespread, so relatively little polling has been carried out on the issue. When asked as a binary question (independence: yes or no?) support in recent years has ranged from 14% in May 2014 to a high of 17% in September that year. Immediately after the Brexit referendum, this increased dramatically to 28% when respondents were primed with the idea that Wales could thereby remain in the EU.

A more detailed range of options shows that support for independence in Wales is perhaps lower still. Figure 1 shows the results of five BBC/ICM polls since early 2014 that gave more options to voters. The stability of constitutional preferences is striking despite the polling

taking place across a uniquely turbulent time in UK politics. A clear plurality of respondents favour more powers for the Assembly, with approximately 30% of voters thinking the Assembly should stay as it is.

**Figure 1: Constitutional preferences for the Welsh Assembly (BBC/ICM St David's Day poll, 2014–18)**



Source: [ICM polling research](#)

### Conclusions

As Figure 1 shows, devolution now seems to be the ‘settled will of the Welsh people’. Yet the National Assembly for Wales and the Welsh government face uncertain times. Brexit will test the institution’s competence, capacity and ability to adapt to rapidly changing circumstances. New tax powers will also accrue to Cardiff, which should bring new scrutiny to its practices. To continue to be an effective legislature, the Assembly must convince the public that it is a relevant institution to their everyday lives. For now, the majority of the Welsh public remain generally supportive of the Assembly (although we have little information on the intensity of this feeling). Yet low turnout and a lack of knowledge of Welsh politics threaten this support.

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