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DRAGON DEBATES ITS FUTURE

Monitoring



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SUMMARY

During this period the gathering storm over war in Iraq led to much speculation as to how far issues way beyond the competence of the Assembly Government would impact on the forthcoming Assembly election on 1 May. First Minister Rhodri Morgan steadfastly refused to be drawn on his own opinion on the issue. However, it was noteworthy that his partner, Julie Morgan, MP for Cardiff North, was among the 122 Labour rebels who voted against the Government in the House of Commons on 26 February.

Top-up fees for students attending University are set to cause the biggest stand off between Cardiff and Westminster since devolution, threatening the National Assembly's budget and highlighting tensions over its limited powers. The Assembly controls higher education spending and in theory could prevent the introduction of the top-up fees of up to £3,000 a year proposed by the English Education Secretary Charles Clarke in his White Paper at the end of January. However, the Assembly does not control student support. It is estimated that refusing to impose top-up fees could cost it around £80 million a year, half of which could be a subsidy to English students studying in Wales. As Rhodri Morgan put it, "This is going to be a major test of how well we can work with Westminster."

In February the Liberal Democrats, Plaid Cymru, and the Welsh Conservatives all made submissions to the Richard Commission on the Assembly's powers and electoral arrangements. In the process the Commission became the focus for an intensifying debate on the Assembly's future. The Liberal Democrats made the most comprehensive submission, calling for a Welsh Senedd with primary legislation and tax varying powers in the context of a federal United Kingdom. Plaid Cymru's submission was more measured in tone, delineating in some detail how evolutionary steps could be taken to improve the current settlement. At the same time, like the Liberal Democrats, Plaid called for an 80 member Assembly, elections by STV, a national public service for Wales, and a review of the Barnett formula. The party added, "We wish to make it clear that we do not regard legislative devolution as a mere staging post to full national status."

In December the Assembly's leading lawyer, Counsel General Winston Roddick QC told the Richard Commission that Wales should have the same law making powers as the Scottish Parliament. As he put it, "There is no point holding high office in the church if you do not believe in it." In his evidence to the Commission the Permanent Secretary Sir Jon Shortridge made it clear that the civil service, as it had developed during the first term, could cope with primary legislative powers: "... compared with the changes that have already taken place, the acquisition of further powers, including those of primary legislation, would represent a manageable progression, not a major step change, in terms of the demands made upon us."

Deputy Presiding Officer Dr John Marek, Labour AM for Wrexham, is likely to stand as an independent candidate in the May election following his de-selection by his local party. In mid-March he lost an appeal to the Welsh Labour Executive following his de-selection by party members in his constituency in February. Meanwhile, Caerphilly AM Ron Davies resigned on 9 March, followed revelations in the *Sun* newspaper about his visit to a gay cruising area just off the M4 near Bath.

1. ASSEMBLY GOVERNMENT

John Osmond and Jessica Mugaseth, IWA

Clearing the Decks for the May General Election

As the quarter drew to a close politicians in the Assembly inevitably focused on the forthcoming Welsh General Election on 1 May. The gathering storm in Iraq led to much speculation as to how far issues way beyond the competence of the Assembly Government would impact on the result. First Minister Rhodri Morgan steadfastly refused to be drawn on his own opinion on the issue, though it was noteworthy that his partner, Julie Morgan, MP for Cardiff North, was among the 122 Labour rebels who voted against the Government in the House of Commons on 26 February.

This position contrasted with Scotland where the First Minister Jack MacConnell was outspoken in his support of Tony Blair's line on the Iraq crisis. Here there may be a constitutional contrast between Scotland and Wales. Because the Scottish Parliament has responsibility for Home Office functions such as the police, criminal justice, and internal security it is politically at least, if not in formal constitutional terms, drawn into the collective British Cabinet responsibility. In a crisis such as that precipitated by Iraq, domestic administration connects with foreign affairs in terms of terrorism and deployment of the armed forces. Because the Assembly Government does not have responsibility for these matters it is perhaps easier for the Welsh First Minister to maintain a strategic distance. As the May election drew nearer there was every sign that Rhodri Morgan was seizing every opportunity to do just that.

He was also anxious to distance the election from consideration of long-term constitutional questions which, he stated, should be left to the Richard Commission for the duration. As he put it in a lecture to the Welsh Governance Centre in March:

“The people of Wales require an experience of Welsh politics that is about delivering and deliberating on the things that improve the quality of their lives. I have been determined that the 2003 Wales General Election should be about these things – the economy, public services, regeneration – and not about the Welsh constitution. To allow our politics to be separated for a time from the matter of our constitution it was important that we established the Commission to consider the powers of the Assembly under the chairmanship of Lord Richard. The approach of Ivor Richard is I believe rightly pragmatic – not considering powers in the abstract, but developing answers to the questions of who should exercise powers for specified purposes. The Assembly does not need extra powers as an end in itself – what extra powers it needs must be identified for purposes requiring those powers ... but it is very deliberate that our forthcoming Wales General Election is not about the Richard Commission. It is about political parties setting their stall on the services they will provide via

the tools and resources available - just as happens in every other Western democracy.”¹

‘Clear Red Water’

In the months leading to the May election the First Minister used a number of set speeches to re-define Welsh Labour’s philosophy and programme. The clearest statement of his position was articulated in what became known as his ‘Clear Red Water’ address at Swansea University in December 2002. This set out his aspirations for the Assembly’s second term, emphasising the philosophical distinctiveness of Welsh from New Labour. The most quoted passage reiterated his opposition to Foundation hospitals:

“... our commitment to equality leads directly to a model of the relationship between the government and the individual which regards that

He added that services which are reserved for the poor, very quickly become poor services:

“That is why, my administration has been determined to ensure a continuing stake in social welfare services for the widest possible range of our citizens. Universal services mean that we all have a reason for making such services as good as possible. Free access to social welfare services means that they become genuinely available to the full range of people in Wales, not simply those able to afford them. In a second Assembly term, we will look to maintain this principle and to carry it further forward. We hope, for example, to be able to come to an agreement with local authorities on free access by children to swimming pools in local authority leisure centres.”³

In his address to the Welsh Governance Centre three months later he expanded on his reasons why there needed to be ‘Clear Red Water’ between his administration in Cardiff and the New Labour government at Westminster. Wales needed a different approach because of the scattered nature of its communities. Pointing out that 70 per cent of the Welsh population live in settlements of less than 30,000, he observed:

“The key point is that the way we organise ourselves and the values that we hold are shaped by this experience of living in relatively small settlements and medium sized villages, towns, valley agglomerates and cities. The consumerist approach to choice in public services that stresses differentiation may fit best the practicalities and the expectations of those metropolitan settlements of a million or several million people that are a feature of countries that are urbanised in a different way to Wales. As an Assembly Government we have given higher priority to the provision of high quality, community based, comprehensive secondary schools than we have to the development of a choice of specialist schools. This does not mean that we are against choice and diversity. We are, in fact, creating parallel systems of Welsh and English medium schools in most parts of Wales. We have faith-based schools. In fact taking together our differentiation according to language and faith we have as our base-line fewer undifferentiated comprehensives than in England. But it seems to me that our values and our geography lead us to stress the community basis of our schools. Research on the performance of different schools in Wales is indicating that the most successful schools in our poorer areas are those that develop the fullest links with their communities – involving parents, families and community groups in the life of the schools.”⁴

Top Up Fees

Top-up fees for students attending University are set to cause the biggest stand off between Cardiff and Westminster since devolution, threatening the National Assembly’s budget and highlighting tensions over its limited powers. The Assembly

³ *Ibid.*

⁴ Rhodri Morgan, *Delivering for Wales, op.cit.*

officials and the politicians have addressed this in a pragmatic way. What now obtains is probably as good a solution as the circumstances will permit; to go further would require primary legislation.

“The legislature and the executive have been living apart for more than three years. They remain married but only legally. So far apart have they grown, they have taken different names and different identities. If they were human beings the law would permit them to divorce and thereby formalise the separation. If

NHS Waiting Lists

The latest figures on hospital waiting lists revealed, once again, a failure to meet Assembly Government targets. There has been a continual increase in those waiting more than 12 and 18 months for admission to hospital as an in-patient or day case. Although the numbers waiting over 6 months for a first out-patient appointment has decreased slightly, to 82,460, it remains a long way off the government's targets. Nonetheless, Health Minister Jane Hutt was relatively optimistic:

“I am committed to driving down waiting times despite the huge challenges this presents. Meeting waiting times is essential to improve the service to patients and there have been notable successes in waiting lists reductions across Wales. The important target that no patient wait longer than 12 months for cardiac surgery has been met and sustained by the service. It is also on schedule to ensure that from the end of March 2003, no patient should have to wait longer than six months for an angiography.”¹⁴

Facing increased pressure from Opposition AMs to explain why Wales was lagging so far behind England, she said it was the health service's responsibility to achieve her targets. She defined her own role as providing the resources to enable the NHS to improve:

“It is the health service out there that has the responsibility to deliver the targets a government sets.”¹⁵

The shortage of doctors has also been highlighted by recent reports. In six local health groups in Wales, two out of three GP posts are lying unfilled for more than three months. One in eight consultant positions is currently unfilled despite high profile and expensive UK wide overseas recruitment campaigns.¹⁶ And the crises in nursing recruitment and retention was highlighted by the survey of the Royal College of Nursing for its manifesto. The survey of more than 1,200 nurses found that 78 per cent feel that they are not well paid and more than half do not feel that their jobs offers good career opportunities and most worryingly for the Minister 33 per cent do not anticipate staying until retirement.¹⁷ There are currently over 900 vacant nursing positions, nearly 150 more than last year.¹⁸

NHS Wales Restructuring Costs

The cost of the restructuring of NHS Wales continued to be a source of controversy during this quarter. The Minister, Jane Hutt, had previously advised the Health

¹⁴ Assembly Government press release 29 January 2003

¹⁵ *Western Mail* 23 January 2003

¹⁶ *Western Mail*, 31 January 2003

¹⁷ *Western Mail*, 4 March 2003.

¹⁸ *Western Mail*, 29 January 2003.

Committee that the transitional costs would be in the range of £12.5 million to £15.5 million over the four years to 31 March 2005. At the same time she had assured members that the running costs of the reorganised NHS in Wales would be no greater than the annual costs of the existing structures.¹⁹

However, a review of the transition costs by the Auditor General for Wales, Sir John Bourne in December found there would need to be at least an extra £8.5m, taking the total to more than £23m. Sir John advised the Assembly Government to:

“... develop firmer estimates once the key decisions affecting the costs have been made ... costs are inherently uncertain at this stage as the staffing and accommodation requirements of the various parts of the new structure have not yet been finalised.”²⁰

The majority of the extra £8.5 million (or 10.7 per cent of the budget) was due to the £5.4m increase in the cost of board members and executive directors in the local health boards, the costs of accommodation for Health Commission Wales (Specialist Services) and the NHS Wales Department’s three Regional Offices.

The Audit Committee requested an explanatory note from the Auditor General which he duly produced on the 23 January so they could discuss the matters at their January meeting. In his note he recommended that the Director of NHS Wales, Ann Lloyd, be invited to attend to discuss the financial implications of the reorganisation. This was agreed, though two Labour AMs, Alison Halford and Janice Gregory, were unhappy at her being questioned before the May elections. This was because the report was:

“... damaging to the Welsh Assembly Government.”²¹

After being denied a closed session by the chair, Alison Halford argued again that discussions should take place after the elections. She said contracts and appointments were in hand and:

“... to try and unscramble this would lead to redundancies.”²²

Alun Cairns, Conservative AM supported taking evidence from Ann Lloyd sooner rather than later so the Committee and the National Assembly could take pre-emptive action before the actual establishment of the new structures on 1 April. He emphasised that the Committee was supposed to be non-political. Halford replied political considerations were inevitable because of the forthcoming general election. A motion by Alun Cairns that the Committee should examine the paper at the earliest opportunity was carried despite both the remaining Labour AMs abstained.

¹⁹ See the previous Monitoring report, *A Bilingual Wales*, August 2002.

²⁰ Bourn, J. “*NHS Wales Structural Change Programme: Review of the transitional and running cost budgets of the new structures*” 6 December 2002

²¹ Audit Committee, 23 January 2003

²² *Ibid*

A Welsh Public Service

One of the more striking commitments in the October 2000 Partnership Agreement that underpinned the coalition between Labour and the Liberal Democrats was an undertaking to move the Welsh civil service in a more autonomous direction. Given the sensitivity of the matter, the terms in which this aspiration was couched were remarkable:

“We will review the existing structures and workings of Assembly officials to ensure they are in tune with the reality of political devolution. We seek to move towards an increasingly independent and Welsh-based civil service – investigating ways of introducing an Assembly ‘fast-track’ programme to attract and retain high quality staff. We will also investigate extending the Assembly’s current policies on mature recruitment and secondment.”²³

The need to ensure that Assembly officials should be “in tune with the reality of political devolution” could only reflect a dissatisfaction with experience hitherto. There was a feeling, certainly on the part of the Liberal Democrats who drafted this clause, that civil servants were continuing the old Welsh Office practice of constantly deferring to Whitehall and being reluctant to countenance Welsh policy initiatives. The unhappiness was not only confined to the Liberal Democrats. First Minister Rhodri Morgan explored the matter at some length in the speech he gave to the Institute of Welsh Politics in November 2000. Recalling his own time as a civil servant at the Welsh Office in the late 1960s he drew a comparison with the relative autonomy of the Scottish Office:

“In the Scottish Office which had been around for 100 years they had developed a tradition of independent policy. The Welsh Office had no capability of policy-making at all in the late 1960s. Likewise you promoted staff in the Scottish office on the basis that they had put one over Whitehall. You promoted staff in the Welsh Office on the basis of whether they had kept their nose clean with Whitehall. I hope that’s not entirely true today but you are still struggling against a very long tradition where there is not an experience of autonomous policy-making. It was made much worse by the policy top-slicing which occurred under the Redwood cutbacks in the civil service in Wales with the loss of 600 jobs in Cardiff. This led to the loss of the people aged 50-plus, people with experience and capability. Policy-making was top sliced just at the time when it needed to be coming up maximum strength for the incoming Assembly ... What we need now that we have the devolution settlement is to create a positive problem-solving political culture. We need to generate a policy-making ability in a Welsh context and get rid of the old habits which still inhibit that process.”²⁴

The first response during the first term was to increase considerably the size of the administrative machine, by 63 per cent. In his evidence to the Richard Commission

²³ *Putting Wales First: A Partnership for the People of Wales*, Section on Better Government, para. 6, 6 October 2001.

²⁴ Rhodri Morgan, *Check Against Delivery*, Institute of Welsh Politics Annual Lecture, Aberystwyth, November 2000.

in December 2002 the Permanent Secretary, Sir Jon Shortridge, provided a detailed breakdown, as shown in Table 1.

Table 1: Change in Welsh Civil Service Staff Numbers (full-time equivalents) October 1998 to October 2002

	Net Staff	New Tasks	Presiding Office	Additional Bodies	Total
October 1998	2,295	0	0	0	2,295
October 2002	2,617	324	229	582	3,752
Increase	322 (14%)				1,457 (63%)

The increases came as a result of the creation of the Presiding Office, the generation of new areas of work, and the absorption of bodies that merged with the civil service during the period. The ‘new tasks’ were Private Office support for Ministers and the creation of a Central Policy Unit, management of European funding, overseas trade functions, expanded legal support, and new policy areas including community regeneration, culture and young people. These changes involved a number of significant staff expansions. For example, Wales Trade International employed 73 staff at the end of 2002, compared with 33 spread between the Welsh Office and the WDA in 1999; while the Wales European Funding Office, the Assembly Government’s new in-house agency responsible for managing the structural funds, employed some 200. The bodies that merged with the central civil service during the establishment of the Assembly and in its first term were:

- Tai Cymru/Housing for Wales - 65 staff
- Welsh Health Common Services Agency - 67 staff
- Health Promotion Wales - 68 staff
- Farming and Rural Conservation Agency - 100 staff
- Care Standards Inspectorate for Wales - 204 staff

This process is continuing, driven in part by Ministers’ wishes to reduce the number of Assembly Sponsored Bodies, the Quangos. By April 2004 the following will be incorporated: functions currently exercised by the Health Authorities which are being abolished (40 staff); the Rent Officer Service (57 staff); and the Council of Museums (10 staff). The rapid growth in the civil service, combined with the absorption of so many outside organisations prompted the Permanent Secretary to describe the result as a:

“... melting pot ... in a constant state of development, and in which boundaries are continually shifting”²⁵.

“Many of the staff in these latter two groups, it is worth noting, probably regard themselves primarily as Assembly officials and not civil servants at all.”²⁶

A further characteristic, as noted above, was that recruitment to the civil service was overwhelmingly within Wales. A consequence was that the Assembly was in danger of offering too narrow a career path for aspiring civil servants. To address this an effort is underway to widen the recruitment pool within Wales through an Assembly Government ‘public service management initiative’. This entails the creation of common leadership and management training

body, ELWa is subject to Assembly auditing and must answer to the Cardiff Bay administration.

In January Sir John Bourne the Assembly's Auditor General reported that the post-16 funding body ELWa had made 'unauthorised and irregular payments' totalling more than £2.2million. In his report, he identified 31 separate "system failures" in a total of 21 contracts that Assembly officials had not authorised.²⁹

As a result ELWa's Chief Executive, Steve Martin, appeared before the Audit Committee to explain the discrepancies and irregularities of this the largest Quango in Wales. He explained that ELWa had faced difficulties from the outset due to its absorbing functions previously administered by several bodies, including the five Training and Enterprise Councils (TECs), all of which had differing accounting, payroll and general administrative systems. This had made transition to one unitary body a difficult and long-term task. He also highlighted the differing 'cultures' between the public and private sectors and the difficulties that transferring from the latter to the former involved and therefore the inconsistencies involved with financial regulations.

ELWa faced further criticism over a failure to make progress in a project that had received a £4 million 'up-front' grant to establish a recording studio in the Rhondda. Although £2.08million of the money was spent in developing learning modules and acquiring equipment for the 'Pop Factory' project, demolition of a former supermarket to make way for the venue did not occur in the financial year in question. This resulted in Avanti, the company responsible for the project, paying £1.9million back to ELWa. According to Plaid Cymru leader Ieuan Wyn Jones:

"... the upfront payment of £4 million by ELWa to Avanti contravened government accounting rules."³⁰

Lord Rogers Returns

Lord Richard Rogers will once again be involved in the construction of the new Assembly building. The peer was sacked in July 2001 after a row about spiralling cost for the Cardiff Bay development which has already cost £6 million. Lord Rogers' firm, the Richard Rogers partnership submitted a bid to building the Chamber as part of a consortium with Taylor Woodrow, Arup civil engineers and BDSP, the mechanical and electrical engineers. Finance Minister Edwina Hart, assured the Assembly that a fixed-priced contract would be drawn up for the Chamber to be completed by September 2005.³¹ However, she could not say how much the estimated final cost of the building, which has already risen from £12 to £47 million, would be.

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2. THE ASSEMBLY

John Osmond and Jessica Mugaseth, IWA

Richard Commission and the Assembly's Future

In February the Liberal Democrats, Plaid Cymru, and the Welsh Conservatives all made submissions to the Richard Commission on the Assembly's powers and electoral arrangements. In the process the Commission became the focus for an intensifying debate on the Assembly's future. In late March the three parties were joined by the Secretary of State for Wales, Peter Hain, though the Labour Party had previously announced it would be delaying submitting its views until after the Assembly election in May. Peter Hain struck a note of caution warning that:

“Any case for primary legislation amending the Welsh devolution settlement so soon after it was established would also have to demonstrate very clear, practical improvements in delivery of public services in Wales.”³²

However, such views did not deter the other parties from putting forward on the whole radical suggestions. The Liberal Democrats made the most comprehensive submission, calling for a Welsh Senedd with legislation and tax varying powers in the context of a federal United Kingdom.³³ Describing the present arrangements as “a half-hearted attempt at real devolution”, it argued for a clear separation of powers between the legislature and executive, an independent Welsh civil service, 80 members elected by single transferable vote, a new legal and criminal justice system for Wales, and a radical reform of the Barnett formula. This last should be replaced with a new needs-based system:

“We propose that this new formula should be agreed through a Finance Commission for the Nations and Regions (FCNR). The FCNR should have a constitutional status that enshrines the principle of equity of finance across the regions and nations of the UK and it should have a duty to agree the rules governing revenue support and borrowing. It should be chaired by a new UK Cabinet Minister for the Nations and Regions, who would replace the Secretaries of State for Scotland, Northern IreITJ-1T54 [(Secrh5pa80.0000.0002 uld havemI.00.

persuading Westminster to adopt a practice of producing framework primary legislation in relation to Wales:

“One possibility would be for a formal agreement, by way of a Statement of Principle, that new primary legislation in the areas of the National Assembly’s competence be always drawn up so as to allow the Assembly maximum discretion in policy implementation. Ideally, new pieces of legislation would simply provide a framework within which the Assembly would have the greatest possible freedom to draft secondary legislation. For example, in relation to the Countryside and Rights of Way Act, a clause within the Bill could have stated: ‘For Wales the National Assembly may by Order make new provision for public access to the countryside; to amend the law relating to public rights of way; to enable traffic regulations to be made for the purpose of conserving an area’s natural beauty; to make provision with respect to the driving of mechanically propelled vehicles elsewhere than on roads; to amend the law relating to nature conservation and the protection of wildlife; and for connected purposes.’ This would have enabled the development of provisions specifically

our perspective and interests are represented in increasingly important discussions in the European Union.”³⁶

The Welsh Conservative submission, tabled in the name of their leader Nick Bourne, argues that, “certainly at this stage” no fundamental changes should be made to the Assembly’s structure or operation. At the same time it declares in favour of testing the settlement contained in the Government of Wales Act:

“Indeed, the Welsh Conservative Party in the Assembly has suggested, for example, paying hardship grants to Welsh students of the amount they are obliged to pay in tuition fees to universities in the United Kingdom. I would term this as muscular devolution.

“However, the Administration has wrung its hands and said that it has no power to abandon tuition fees in Wales. A sensible approach to ascertaining the precise powers of the National Assembly would be to have a dedicated policy unit within the institution, setting out the existing powers and policy options for the government of Wales.”³⁷

On the relationship between Westminster and Cardiff, the submission states:

“The Welsh Conservative Party believes that on occasion an argument can be made for the transfer of functions from Westminster to Cardiff. We have been supportive, for example, for the transfer of animal welfare powers, now being dealt with in the Animal Health Bill. We have also been supportive of the transfer of powers relating to electricity generation of over 50 megawatts, governed by S36 of the Electricity Act 1989. This transfer is now occurring, although slow in gestation. We have also given support to looking at the issue of transfer of powers on top-up tuition fees. This matter has been badly

governments. We believe the Secretary of State should attend on a more regular and more frequent basis to consult with members, both formally and informally.”³⁹

Deputy Presiding Officer to Stand as an Independent

Deputy Presiding Officer Dr

Carwyn Jones agreed to schedule a two-hour government debate two weeks later at the end of the month.⁴¹ Meanwhile, Members had a chance to air their views in two short minority party debates.

The first was tabled by Plaid Cymru AM Dafydd Wigley to discuss the “potential effect of the International Crisis on Public Services in Wales”. The debate concentrated on the preparations that were being made in Wales in the event of a war, contingency measures for terrorist attacks, and the impact of a war on the ethnic minority population. Wigley stated his party’s position as:

“The future of our world must be based on a framework of international law, and our actions must be morally justified.”⁴²

As has become the norm, Rhodri Morgan did not comment on the Iraq crisis but left it to Business Minister Carwyn Jones who said:

“... what concerns the Welsh Assembly Government is not whether there will be a war or the morality of such a war, but its possible effects on Wales ... It is difficult to predict the implications of the international crisis for Wales... However, all public services will continue to develop continuity plans in the face of any disruption. In general, a potential war in Iraq would not provide new challenges to the plans that have been made to deliver public services in Wales.”⁴³

The second debate was tabled by the Liberal Democrat AM, Mick Bates to discuss “Disarming Iraq”. Once again, this was a short debate with no vote taken. Mick Bates said he:

“... passionately believed that the Assembly is the place to express a Welsh voice.”⁴⁴

However, Carwyn Jones responded:

“... it is difficult to reply on behalf of the Welsh Assembly Government, when it rightly does not hold a view on what is a non-devolved matter. It is open to all Cabinet Ministers to express their own views on this situation.”⁴⁵

The result of this approach was that it was left to backbench AMs to voice their individual views. Most notable was Richard Edwards, the retiring Labour AM for Preseli, whose emotive contribution undoubtedly reflected a majority view in the chamber:

“The war that is about to engulf the poor people of Iraq is entirely without justification. There is no compelling evidence whatsoever that Saddam has a destructive arsenal and is pointing it at the United States or the UK. All the

⁴¹ *Western Mail*, 12 March 2003.

⁴² *Assembly Record*, 22 January 2003.

⁴³ *Ibid*

⁴⁴ *Assembly Record*, 26 February 2003.

⁴⁵ *ibid*

inspectors have found are a few empty canisters with a 12-mile range, and some rusty weapon hulls that we knew about a decade ago. At the very worst, Saddam has but a fraction of the vast arsenal that the West gifted him before the Gulf war, when the US and the UK disgracefully connived at his genocide of the Kurds, and then blocked UN resolutions condemning that genocide. There are no proven links with Al-Quaeda. Why would there be, when Islamic fundamentalists have excoriated Saddam as a godless apostate? The attacks of 9/11 were carried out by Saudis and Egyptians, not by Iraqis. The Bush family has far closer links than Saddam Hussein with Osama Bin Laden... Those who would drive a coach and horses through international law with their revolting doctrine of pre-emption are not prosecuting a war against terror; they are perpetuating terror, guaranteeing that it will last for decades to come, in a vicious and bloody downward spiral—all to preserve the supremacy of corporate America.”⁴⁶

It was left to a lone Conservative, North Wales AM David Jones to speak in favour of the policies pursued by Tony Blair:

“It is not acceptable that the United Nations should be expected to engage in a protracted, grotesque version of hunt the thimble. The United States and Britain are right to take the lead in making it clear to Saddam Hussein that further delay will not be tolerated. Unless he complies with UN resolutions, we will be left with no option but to disarm him by force.”⁴⁷

AMs Ignore Regional Committees

In an investigation in March the S4C current affairs programme *Y Byd ar Bedwar* [the World on Four] found that 29 of the 60 AMs missed at least half of their Regional Committee meetings in the past year.⁴⁸ Deputy Presiding Officer John Marek and Merthyr AM Huw Lewis had not attended any meetings in the past year. In his defence Huw Lewis said:

“It wasn’t intentional. Some of the meetings were missed through illness and it was just unfortunate they coincided with those dates. But I will list my priorities according to what I feel my constituents would want me to do and if I have an Objective 1 meeting which I chair for instance in Merthyr on that day, I will go after Objective 1 rather than talk in vague terms about South East Wales.”⁴⁹

Conservative AM Alun Cairns, attacked the principle of having Regional Committees, arguing that their role could be carried out by the Subject Committees:

⁴⁶ *ibid.*

⁴⁷ *ibid.*

⁴⁸ *Western Mail*, 8 January 2003

⁴⁹ *Ibid.*

“To be perfectly honest, the meetings are seen as a hassle because the workload is so high. It would be much better for the Subject Committees to go out to the regions.”⁵⁰

Oath of Allegiance

In a revealing interview by the Plaid Cymru website www.TribanCoch.com in January the Presiding Officer, Lord Elis-Thomas, declared that he would like to see removed the requirement that Assembly members swear an oath of allegiance to the Queen:

“I have taken the oath of allegiance to her Majesty more than anyone else in this party [Plaid Cymru] because I have taken it bilingually, in two houses and here. When we came here it was introduced as a private ceremony, between consenting adults in private, so that nobody would have his or her republicanism in any party tested in public. It is a technical necessity within the Act that I would want removed. It doesn't happen in Northern Ireland and they shouldn't have it here. It should not be a test of one's ability to represent the people of Wales to have to assent to an oath to the Monarch. Now whether we can get that in the Government of Wales No 2 Bill I don't know, but I am going to try at some stage. If you want to be a Republican it is very simple, the National Eisteddfod drops the title Royal, the Royal Welsh Show drops the title Royal. We stop inviting the Royal family, all we have to do is by resolution decide we don't want to have anything to do with them.”⁵¹

These views sparked an intense political argument and a plenary debate in mid-February. There was a consensus of opinion amongst Labour, Liberal Democrats and Assembly members.

3. POLICY DEVELOPMENT

Jessica Mugaseth, IWA

Health and Social Services

Health Minister Jane Hutt announced that funding for the new Local Health Boards in 2003-04 will total £2.5 billion, including a cash increase of £162 million on discretionary funding. Ring fenced and protected service will receive an extra £7 million or 6 per cent increase. Net funding for drugs prescribing will increase by nearly £38 million. Funding for reorganisation will be capped at 4 per cent in keeping with the policy to ensure that the NHS reorganisation is cost neutral.⁵⁷

An extra £10million has been provided to improve hospital orthopaedic services in south Wales, where waiting times are among the highest in the UK. The £10million includes £6million to fund a 16-bed orthopaedic unit at St Woolos Hospital, Newport and an extra 20 beds at Nevill Hall Hospital in Abergavenny. The rest of the money will fund a day unit at Llandough Hospital near Cardiff. In addition Wales as a whole will get an extra 12 specialist registrar training places and an academic chair for orthopaedics to raise the profile of the speciality and improve clinical recruitment and retention.⁵⁸

A further £9.7million will be allocated for a new community hospital in Holywell, in north east Wales. This will provide 44 in-patient assessment, treatment and rehabilitation beds, day services including a day hospital, rehabilitation department and out-patient clinic services by GPs, consultant and other professionals, and on site presence of social services care management staff.

A £10 million three-year *Strategy for Older People* will address changing population trends. Its key features include:

- A new Assembly Government Cabinet Committee to ensure policies impacting on older people are dealt with coherently across the Assembly.
- A National Older People's Forum for Wales.
- New approaches to building links between the generations.
- A new impetus to tackle ageism and discrimination against older people.
- Making concerted and targeted effort to engage older people more effectively and ensure they can participate in decisions effecting their lives and communities.
- An analysis of older people's housing needs.
- An evidenced-based action programme of health promotion for older people.⁵⁹

⁵⁷ Assembly Government press release 7 March 2003

⁵⁸ Health and Social Services Committee *Record*, 26 February 2003

⁵⁹ Assembly Government press release, 11 December 2002.

A review of services for children with special health needs in Wales was published by the Assembly's Health and Social Services Committee. It will be used for developing the National Service Framework for Children announced in 2001 to improve sustainable services for all children.

Additional funding has been made available for the main delivery unit at the Royal Gwent Hospital. In her announcement Jane Health Minister Hutt explained:

“This extra funding will ensure that the main delivery unit here at the Royal Gwent Hospital is extended for additional operating facilities, post-operative support care and extra delivery rooms allowing the staff at the Royal Gwent to continue to meet the daily challenges of supply and demand at the Unit”⁶⁰

The Assembly Government has committed an additional £10 million over the next three years to improve palliative care in Wales as part of a fresh ‘Strategic Direction for Palliative Care Services in Wales’. The strategy aims to improve all aspects of a good palliative care service including primary and community health, social services, hospitals, clinics and hospices.⁶¹

A *Returner and Retainer Scheme* was launched in an attempt to minimise the loss of qualified doctors from the current workforce and to enhance continuing professional education, career development and clinical experience. The Assembly government will make a recurrent contribution of £45,000 to this scheme.⁶²

New operational guidance is being issued by the Head of the Care Standards Inspectorate for Wales to his inspectors on how he expects the regulations and standards to be applied. At the same time a consultation paper was published setting out proposals to relax some of the National Minimum Standards applying to small care homes for older people.⁶³

A Child Poverty Task Group has been set up to develop a strategy for combating child poverty in Wales. The Task Group will be chaired by Charlotte Williams, a lecturer in Social Policy at the University of Wales Bangor. The Group will consult with children, young people and their families about their direct experiences and views of poverty. The group will aim to prepare a report on which the Assembly government can develop firm proposals for action for 2003-04.

New regulations have enabled GPs in Wales to prescribe a wider range of controlled drugs aimed at reducing the rate of prescribing certain drugs. GPs will now be able to write a prescription for up to 14 days for the drugs to be dispensed daily by a pharmacist.

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A new regulation amending the National Health Service (Optical Charges and Payments) Regulations 1997 will provide the funding for a second pair of glasses for certain people under the age of nineteen following approval of the local health board.

⁶⁰ Assembly Government press release, 9 January 2003.

A 'Food and Well-being' nutrition strategy has been drawn up by the Assembly Government and the Food Standards Agency geared to more vulnerable groups such as low income households and children. Th

In addition the Assembly Government has committed:

- £21 million over the next three years to increase the level of administrative support.
- £1.4 million to pilot a three-year programme to help teachers manage and reduce workloads.

In response to the Whitehall Government and the Devolved Administrations combined announcement in January 2003 to transform the current Arts and Humanities Research Board (AHRB) into a full Research Council working alongside those for the sciences, Jane Davidson said:

“I am very pleased that we are able to put research in the arts and humanities

Economic Development

A total £63 million cash injection over three years was announced for south Ceredigion and north Pembrokeshire in early February to tackle a mounting economic crisis in the region. Problems were precipitated by the closure of the Dewhurst clothing factory in Cardigan and the scaling down of the missile research facility at Aberporth.

The South Ceredigion Regeneration Plan will see £33 million invested in community and skills development, broadband access, town centre regeneration and improving tourism facilities. Consultation is still continuing for the £30 million that is planned to be invested in Fishguard and north Pembrokeshire focussing on learning, leisure, retail, community development and a marina.

The new investment will be levered from the Objective 1 programme by a new £10 million allocation announced by Economic Development Minister Andrew Davies. This commitment was immediately attacked by the Conservatives as a “drop in the ocean” compared with the £80 million new money that had been assigned to south east Wales following the Corus steel job losses, while Plaid Cymru pointed out that Ceredigion County Council had asked for £17 million to promote the necessary regeneration.⁶⁹ However, Andrew Davies countered:

“The plans are not a quick fix ‘sticking plaster’ solutions – they are realistic, considered approaches, backed by serious investment. They will provide robust frameworks for boosting the long term prospects for the economy of South Ceredigion and North Pembrokeshire, and are clear evidence of the Assembly Government’s commitment to sustainable solutions – acting now for the future.”⁷⁰

The Assembly Government launched a £260 million three-year innovation action plan, *Wales for Innovation*. This includes:

- Up to £150 million investment in rolling out the Technium Centre concept throughout Wales, creating new ‘innovation incubators’ for key hi-tech growth sectors.
- £60 million to spin-out ideas and talent from Welsh universities into commercial successes.
- a £3 million campaign to drive home the message about the importance of innovation to business, higher and further education and the general public
- A £25 million innovation grant scheme to streamline funding sources for innovation
- A £15 million drive to exploit new and existing technologies, focusing on indigenous developments and attracting high quality investments and alliances with leading global companies

- £5 million investment to boost specialist hands-on innovation support and advice for business.⁷¹

The Lifelong Learning Network for Wales (LLN) has been launched as part of the Assembly Government's £115 million Broadband Wales programme. The LLN is the first network of its kind in the UK, connects every local authority in Wales to a single broadband network, bringing high-speed internet services to every school, library and ICT learning centre throughout Wales.

Meanwhile, Assembly Government Regional Selective Assistance of £4.25 million safeguarded 287 jobs at Alcoa aluminium plant at Swansea, part of an overall investment of £12.5m in new equipment for rolling and finishing processes. Six north Wales businesses will receive more than £700,000 in Regional Selective Assistance creating or safeguarding 100 jobs. A further £250,000 will help expand Morganite Electrical Carbon in Morriston, creating 70 new jobs.

A £775,000 design project for Llandarcy Urban village was launched to redevelop the former oil refinery site as a mixed-use business and residential community.

The third report of the Economic Development Committee's Review of Energy policy was published in January with the following conclusions

- The Assembly Government recognises that over the next twenty to fifty years it will be necessary to move towards a zero carbon electricity system.
- The Assembly government should set a target of 100% renewable energy by 2020.

none of the money earmarked for Wales will be lost. Economic Development Minister Andrew Davies stated:

“The total investment in Wales that is due to Structural Funds has now reached £1.08 billion ... Reaching the £1 billion milestone clearly demonstrates that Wales is taking full advantage of the opportunities offered by Structural Funding, and particularly the Objective One programme”⁷⁴

Eight Projects in west Wales were allocated over £2.3 million in the latest batch of projects to receive financial support from the programme:

- £450,000 for Carmarthenshire County Council to provide employment sites and premises for new and expanding businesses, expected to create 60 jobs and safeguard 90 jobs.
- £290,021 for Neath Port Talbot Council to enhance industrial accommodation and infrastructure at the Gurnos Industrial Estate as part of a comprehensive Economic Development Action Plan.
- £683,285 for the National Trust to undertake environmental work at Llanerchaeron in Ceredigion. The property, the most complete example of the early design and building work of John Nash, will enhance the Aeron valley as a tourism destination.
- £390,547 for Pembrokeshire Association of Voluntary Services to expand an existing consortium of youth projects with the aim of reducing the impact of disadvantage faced by disaffected young people.
- £261,502 for a programme of community development and capacity-building activities in Carmarthenshire.
- £164,833 to create a multi-purpose resource centre as part of a project to regenerate Newquay in Ceredigion. The centre will offer a range of training and recreational activities and act as a catalyst to future economic engagement.
- £99,873 to protect and sustain the natural environment across Ceredigion by undertaking biodiversity restoration work at 150 sites.
- £25,679 for a Community Hall in Pembroke Dock.

Four projects in the Blaenau Gwent developmaw18.4T2 6T0.0r u000-1.()-0.x£9111025,6 Blaeaas part

Meanwhile, 1,500 homes and businesses in Gwynedd will benefit from £0.5m of Objective One funding to provide broadband internet access for the area

Environment, Planning and Transport

A £77 million all-Wales local transport initiative was launched at the end of January, including £14.2million earmarked for improving bus services. Environment Minister Sue Essex described the policy's objective as:

“... reducing congestion, protecting and improving the environment, demonstrating the flexibility of public transport, and enhancing accessibility.”⁷⁶

The package will assist in establishing new cycle tracks, improving the bus infrastructure by investing in bus lanes and improving the quality of bus shelters. Money will also be directed towards creating park and ride systems, improving roads across Wales and continuing the commitments of the government to the five year rail and road programme originally announced in January 2001 and extended in January 2002.

£2.5 million is being invested in to improving train stations throughout Wales. The grant will allow Wales and Borders Trains to roll out a 12-month programme to modernise station facilities and enhance safety. Improvement will include upgraded toilets, refurbished waiting rooms, new shelters and ticket booths, CCTV and improved lighting and car parking.

A Road Safety Strategy for Wales has been established with the aim of reducing the total number of people killed or seriously injured on Welsh roads by 40 per cent by 2010.⁷⁷ Measures include:

- Developing 20mph zones using different methods rather than by using major traffic calming measures.
- Researching the links between child pedestrian casualties and social deprivation.
- Assisting local communities in the development of home zones.
- Establishing a Welsh Road Safety Forum to advise on road safety policy issues and help monitor progress towards the targets.
- Setting up a 'Road Safety Wales' web site.
- Developing targeted action for teach

The Free Concessionary Bus Travel scheme is to be extended to men over 60 so that even more people can benefit from local bus travel in Wales from April 1 2003.

Thyssen-Walters-Atkind Consortium has been awarded a contract to design and build the A479 Talgarth Relief Road and A438 Bronllys Bypass scheme in partnership with Powys County Council. The scheme will ease traffic problems in Talgarth and Bronllys.

Rural Development

In January the Assembly Government joined with DEFRA and the Scottish Executive to launch a 10 year vision for tackling animal welfare and disease issues. A consultation paper was published posing questions about how responsibilities should be shared between Whitehall and the devolved administrations. By 2012, they aim to achieve:

- Consistently high standards of animal health and welfare
- Improved public health.
- A better informed and more effective livestock industry.
- A capacity to deal swiftly and effectively with any disease emergency.
- Professional veterinary services which are linked with government.⁷⁸

The following amendments have been made to the Organic Farming Scheme to further assist farmers managing land for the benefit of the environment and countryside:

- The duration of current agreements, and those applying to future entrants, will be extended from five to 10 years, but with the option to withdraw at the fifth anniversary.
- Farmers who have converted to organic production without assistance will be

The Assembly Government has allocated £1.5 million over three years for the development of a National Welsh Language Theatre company. Meanwhile, the Arts Council has also allocated £250,000 from its funding to enable two productions to go ahead in the current financial year. Culture Minister Jenny Randerson said:

“The additional £1.5m will enable the Arts Council to establish and run the new company, ensuring that there will be coverage across Wales, taking account of Welsh speaking areas, with a good range of high quality productions.”⁸⁰

A Youth Arts Fund has been established to fund arts activities for children and young people in Wales. The fund, *Supporting Young Creativity* will be worth over £1.7million a year. Meanwhile, the Assembly Government provided £2.5 million to introduce free swimming for children and young people during the school holidays in 2003-04.

The development of Chamber Orchestras across Wales has been supported by £600,000 Assembly Government funding.⁸¹ The long-term future of the Brecon Jazz festival has been secured by £381,000 Assembly Government funding, made up of two elements:

- A one-off grant of £111,000 to the existing Brecon Jazz company to pay off long term outstanding debts which have threatened the festival’s existence.
- £270,000 over three years for a new company to be set up under the aegis of Theatr Brycheiniog at Brecon.

Historic and artistic treasures from Penrhyn castle have been safeguarded for the people of Wales in lieu of inheritance tax to a value of £3,799,976. The items will remain in Penrhyn Castle and have been allocated to the National Trust.

A three year programme of support for Welsh Language and culture in Patagonia due to end in March has been allocated a further £105,000 to ensure the continuation of secondments of Welsh teachers from Wales, the training of local tutors and development of cultural activities. Jenny Randerson, said:

“The Assembly is keen to develop the international profile of Wales and the links between Wales and Patagonia enrich both sides. The Patagonian communities are a unique aspect of Wales’s pl

IWA Chairman Geraint Talfan Davies has been appointed the new Chair of the Arts Council for Wales from 1 April.⁸³ He will resign his positions as Chair of the Welsh National Opera and the Cardiff Bay Arts Trust on taking up his new appointment.

⁸³ Assembly Government press release 28 February 2003

4. THE LEGISLATIVE PROCESS

Sarah Beasley, Cardiff Law School

House of Lords Select Committee on the Constitution⁸⁴

The House of Lords Select Committee on the Constitution report *Devolution: Inter-Institutional Relations in the United Kingdom*, published in January 2003, concluded

- (c) Structure of the legislative scheme followed in such a bill.
- (d) Amendments made to bills by the Government while they are before Parliament.”⁸⁷

It was also felt by the Committee that the “patchwork pattern” formed as a result of the disparate nature of the powers given to the Assembly in legislation may cause further problems, especially when trying to identify particular functions of the Assembly. This is itself exacerbated by the varying ways in which new Westminster legislation confers powers on the Assembly⁸⁸. It was noted that this problem is increased due to

“... the limited access the National Assembly has to Parliamentary time for

Committee, to carry out inquiries into such legislation, and the Welsh Grand Committee, possibly for the Committee stage of bills.

- (d) Further thought be given to affording Assembly Members the opportunity to consider Westminster legislation that will affect the Assembly and its functions. Any such steps would need to take account of Westminster and National Assembly needs and working timeframes. The Committee welcomes

subordinate legislation for defined purposes, should be a permissible function of the Assembly, provided the particular powers in the legislation are justified for the purpose of the effective implementation of relevant policy.

This did not seem to be a major problem for either the Secretary of State or the First Minister when the Committee put this proposition to them. Peter Hain felt that, while such powers should not be exercised on a widely drawn basis, each case should be considered on its merits. He said that only Parliament should have powers to change the intention of an Act. At the same time if it was necessary to amend previous legislation in order to implement the provisions of a new Act, then the Assembly should have this power.⁹⁸

This matter is developed in a paper *The Scottish and Welsh Models of Executive Devolution*, submitted by Cardiff Law School to the Richard Commission.⁹⁹ Attention is drawn in that paper to the very wide provisions of section 214 of the Education Act 2002. Under this section, the Assembly may make such incidental, or consequential provisions as appears to it to be necessary or expedient for the scotm4

prescription charges excludes those suffering from specific life-long illnesses, such as arthritis, asthma and cystic fibrosis. Without such specific definitions, there may be future contention as to what constitutes a chronic illness.

- ii. The cost of implementing such a scheme Currently the Assembly receives its funding under the Barnett formula from central government. There is no guarantee that this funding would be increased were the Assembly to go ahead with its plans. It has been estimated that the annual cost of expanding the free prescription programme to meet the provisions of such legislation would reach £20.7 million. It has been suggested that this could be met in part by the reserves in the Welsh health budget and by the £7 million saving from clamping down on NHS prescription fraud in Wales.

Smoking Ban in Public Places

This was a motion tabled by Members in January 2003 calling upon the UK government to bring forward a public Bill to ban smoking in public places.

This was the first time the procedure under Standing Order 31.9 had been initiated whereby a Minister or at least three Members may table such a motion. The motion was carried by the Assembly in plenary session and has been forwarded to the relevant department of the UK government. Whether or not the Bill is introduced is a matter for the Westminster government and no such commitment has been given to date.

House Committee

Under section 62(1)(a) of the Government of Wales Act 1998, the Assembly in plenary voted, for the first time, to give general executive functions to an Assembly committee. The House Committee, and not the Assembly First Minister, is now responsible for the provision to members of facilities, accommodation, staff and other support services relating to the performance by Members of their work in the Assembly. Included in this delegation is the responsibility for the preparation of a draft budget for the expenditure of the Presiding Office under Standing Order 19.0. The House Committee will also be responsible

“... for any extension to the building where the Assembly normally meets in plenary session, as they may from time to time authorise by resolution in plenary.”¹⁰¹

Bills in Parliament Conferring Functions on the National Assembly

On 11 December 2002, a plenary session of the Assembly voted against a motion that Bills of particular importance to Wales within the Queen's Speech should be remitted to the relevant Subject Committees for further consideration and report.¹⁰² The result was that while the relevant Subject Committees may opt to debate Bills of particular importance to Wales falling within their subject jurisdiction, they

interesting that the Bill's Explanatory Note is stated to have been drafted in agreement with the National Assembly.

- § *The Planning and Compulsory Purchase Bill* (to be remitted to the Environment, Planning and Transport Committee):

The Bill is in eight parts, and makes provision for the quicker and more efficient handling of planning applications by central government and local authorities. Parts 1 and 2 apply only to England and Part 6 only to Wales. The powers in relation to Wales are generally exercisable by the National

5. RELATIONS WITH LOCAL GOVERNMENT

Alys Thomas, University of Glamorgan

Local Government Revenue Support Settlement 2003-4

Finance Minister Edwina Hart said in January that Assembly Government revenue support for local authorities is set to rise by 9.2 per cent during 2003-04, higher than the 8 per cent forecast in England. At the same time she stressed her commitment to steer clear of hypothecation:

“The revenue settlement is un-hypothecated in line with the Assembly’s commitment to allow local government greater freedom to allocate resources as they see fit.”¹⁰⁷

Following consultation she had made two key changes to the Settlement:

6. Firstly, she had delayed the transfer of re

Wales Programme for Improvement

‘The Protocol on the Wales Programme for Improvement’ was announced at a meeting of the local government Partnership Council in January. This joint protocol - between the Welsh Assembly Government, the WLGA and Audit Commission - sets out how the three will work together to support the continuous improvement of local authority services in Wales. The ‘guiding principle’ of the relationship between them is that the Audit Commission, while an independent body, will work to support the delivery of the Welsh Assembly Government’s policies for local government and these policies will be developed in partnership. The supporting principles are:

- There should be an individually tailored approach to improvement and regulation, based on local discussion of the needs of the individual authority and an understanding of its capacity for action .
- Regulation should add demonstrable value – a key priority in enabling local authorities to achieve improvement in key areas.
- Areas for improvement should be based on both the UK policy framework and local priorities.
- Local authorities themselves should decide the best combination of support to enable them to achieve improvement.¹⁰⁹

Electoral Arrangements

The Local Government and Housing Committee considered the Sunderland Report on Electoral Arrangements in Local Government at successive meetings. In the December meeting Edwina Hart suggested that she prepare a further paper on the issues where the Committee was in broad agreement, with a timetable indicating how the Assembly would engage on those issues. She also committed herself to prepare a case for discussion across party groups on the issue of lowering the voting age to 16.

The Committee was divided on the issue of Single Transferable Voting. The Minister suggested that this matter was left until after the Assembly elections in May 2003. In the following meeting in January the Committee voted on the following Plaid Cymru motion and divided 5 to 3 against, with Labour and Liberal Democrats combining to defeat it:

“The Committee accepts the recommendations of the 'Report of the Commission on Local Government Electoral Arrangements in Wales' and asks the Minister to bring forward a timetable for their implementation.”

6. RELATIONS WITH WESTMINSTER AND WHITEHALL

Mark S. Lang, Welsh Governance Centre

Edwina Hart Attacks Home Office

In evidence given to the Richard Commission on the Assembly's powers the Minister of Finance, Local Government and Communities, Edwina Hart, attacked the Home Office for refusing to collaborate with the Assembly Government over policing. She singled out the department as the major problem in Whitehall, saying it seemed to regard the Assembly as "a large local authority" that was a "nuisance" to have to deal with:

"There is an absolute arrogance about the way they feel about devolved administrations, particularly Wales. I don't sense that at all with Scotland, which they see as much more of an equal relationship. We are like some sort of large local authority that is a nuisance to have to consult."¹¹²

She was supported by the head of local government and finance at the Assembly, civil servant Adam Peat, who told the Commission that Whitehall departments "resent having to keep us informed."¹¹³ She said she had an excellent relationship with the Treasury, but the Home Office was a "a very different arena":

"I would have said 12 months ago that it was just teething problems, but there are real problems at the heart of the system."¹¹⁴

Edwina Hart has clashed with the Home Office in the past over police funding and asylum seekers. For example, there was disappointment at an extra £500,000 handed by the Home Office to police in South Wales to assist them tackle drugs crime. This failed to match £1.5 million given by the Assembly to deal with the problem.

Lords Committee Questions Role of the Secretary of State for Wales

In February abolition of the position of Secretary of State for Wales was recommended by House of Lords Committee on the Constitution Second Report, *Devolution: Inter-Institutional Relations in the United Kingdom*. It recommended:

"(a) the existing Devolution and English Regions team (presently in the Office of the Deputy Prime Minister) and those parts of the Scotland and Wales

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Offices dealing with intergovernmental relations, [should be merged] to create a single group of officials able to deal with the full range of intergovernmental issues; and

(b) whether such an intergovernmental group would require leadership and support from three Cabinet Ministers. For Scotland and Wales, adequate Ministerial involvement might be secured by one Cabinet Minister with responsibility for intergovernmental relations overall, with the possibility of appointing Ministers of State to deal with particular policy issues or devolved areas. (For the foreseeable future, however, we envisage that there will continue to be a need for a Secretary of State for Northern Ireland, supported by appropriate staff)¹¹⁵

On managing the relationships between the devolved administrations and Westminster the Lords Committee also concluded that more extensive use should be made of the formal mechanisms such as the Joint Ministerial Committee. These formal mechanisms should not serve as a substitute for good relations in other respects, or for good and frequent informal contacts, but should serve as a framework for such relations and to act as a fall-back in case informal personal relations cease to be sufficient. These mechanisms, the Committee concluded, are likely to become increasingly important when governments of different political persuasions have to deal with each other.

The Committee also made two key recommendations on the future of the Barnett formula. These included:

“(a) information about changes to public spending for England should be made available in a manner that relates directly to the categories attracting consequential payments under the Barnett formula; and

(b) the statistics collected and made available by HM Treasury to the devolved administrations be reviewed so as to ensure that all the information needed by the devolved administrations is available to them.”¹¹⁶

For payments that fall outside the scope of the Barnett formula the Committee recommended that:

“... where discrete disputes arise, they should be referred to an independent body, such as a Devolution Finance Commission, with that body then making a recommendation to the Cabinet.”¹¹⁷

When the Barnett formula is reviewed, the Committee recommend that a needs assessment should be carried out, and that it be undertaken by an independent and impartial body.

¹¹⁵ House of Lords Committee on the Constitution Second Report, *Devolution: Inter-Institutional Relations in the United Kingdom*, February 2003.

¹¹⁶ *Ibid.*

¹¹⁷ *Ibid.*

Welsh Affairs Select Committee Report on Transport in Wales

The Welsh Affairs Select Committee Report on Transport in Wales, published in December, recommended the transfer of further transport power to the National Assembly so it can pursue a truly integrated transport policy. Amongst the

- f. Wales enjoys several thriving commercial ports. However, decent vehicle access and rail services to and from the port of Holyhead have yet to be provided. We recommend that Ministers take a closer interest in the search for an agreement. We also recommend that initiatives to shift some bulk freight from road and rail to the sea— such as the pilot project based on the river Neath— be pursued by the Government in consultation with the relevant authorities in Wales.¹¹⁸

7. RELATIONS WITH THE EUROPEAN UNION

John Osmond, IWA, and Mark S. Lang, Welsh Governance Centre

Representation in Brussels

Extended negotiations over the future of Welsh representation in Brussels, lasting the best part of the previous 12 months, came to a head in February. The Deputy First Minister Mike German, responsible for ‘Wales Abroad’, announced that the Assembly Government, the Welsh Local Government Association, and other stakeholders, led by the WDA and ELWa, had agreed to establish three separate representations which would remain physically within one building in Brussels.

Early in 2002 the Welsh Local Government Association announced its intention to withdraw from involvement in WEC which, since the early 1990s had managed Welsh representation in Brussels, joined since 2000 by the Assembly itself. This prompted the Assembly Government to review its own participation and decide to boost its own, independent delegation. There will now be three separate operations, working from a single building, known as Ty Cymru, in Brussels:

- The Assembly Government representation, made up of some 12 staff.
- The Wales European Centre representing the WDA, ELWa, and the university and environment sectors, with six staff
- The Welsh Local Government Association, with three staff.

The total staff will amount to about a third more than is presently the case. In his statement Mike German declared:

“Joint working arrangements on the ground will minimise duplication of effort and resource, and maximise output in terms of influence and profile. It has been agreed that working arrangements will be governed by agreed protocols, which will ensure sharing of information and intelligence, and arrangements for their dissemination ...The arrangements will expl

examples of Government Ministers taking a leading role in the Council of Ministers, forging a relationship with the European Commission and ensuring that we have a good relationship with Members of Parliament who represent Wales in the European Parliament?”¹²⁰

In reply Mike German responded:

“The way in which we relate to UKRep is crucial, and having a strengthened Assembly Government presence in Brussels will enable more people to have UKRep accreditation. It is important that they must be part of Assembly Government procedure. I am also keen that we should have more Assembly official placements in UKRep.”¹²¹

Governments Advocate Greater Role for Regions in the EU

An enhanced role for the Regions in the European Union was advocated by the Secretary of State for Wales, Peter Hain, in an address to the European Convention on the Future of Europe in early February. He spoke in support of a paper he has submitted on behalf of the UK Government and the devolved administrations of Wales and Scotland to give them a greater voice in Europe.¹²² Its proposals include:

- A role for the Regions and localities in monitoring the application of subsidiarity and an amendment to the Treaty of Union to acknowledge this.
- Mandatory consultation of Regions and localities by the Commission on policy matters affecting them.
- The Committee of the Regions should be given full institutional status within the European Union institutions, alongside the Council, Commission and Parliament. In addition:
 - (i) It should be given the right to refer alleged violations of subsidiarity under the European Treaty to the European Court of Justice
 - (ii) It should be routinely consulted on Commission proposals at the pre-legislative stage.
 - (iii) It should be consulted by the European Parliament where regional interests are at stake.
 - (iv) It should be given a new name such as Congress or Convention of European Regions to reflect its representative rather than bureaucratic structure.

In support of the paper First Minister Rhodri Morgan said:

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“This set of proposals is a concrete example of real collaboration between the Welsh Assembly, the Scottish Executive and the UK Government to produce a result which benefits us all. Given the importance of the EU in a number of policy fields that are devolved to Wales, it is vital that we are able to influence

consultation, which ends in early July, invites stakeholders' views on UK proposals and on Commission thinking.

The Government is proposing a Regional Policy Approach which would allow Member States to pursue - within a broad EU regional policy framework - policies for regional growth which are sufficiently flexible to meet local needs. The Government wants richer Member States to be given control of funding to end inefficient recycling of funds between them and the Commission. The Commission would retain control over funding for poorer Member States enabling Community spending to focus on those in most need - mostly new Member States.

8. PUBLIC ATTITUDES

Denis Balsom and Jessica Mugaseth

Language and Nationality

The long awaited Welsh language figures from the 2001 Census were published in mid February. To a general sigh of relief, it was reported that, for the first time ever, the number of Welsh speakers in Wales has increased. The new Census had found 576,000 Welsh speakers aged 3 and over, that is 21 per cent overall which was a 2 per cent increase on the equivalent number in 1991.

Whilst these data are comparable with past Censuses, the 2001 survey also asked people whether or not they ‘understood’ Welsh. A further 138,000 claimed to understand, but not speak Welsh. And an additional 84,000 gave some combination of positive responses that was imprecise, making it difficult to work out whether they could understand, speak, read or write Welsh. The Census was therefore able to publish a figure in excess of 750,000, or 28 per cent of people, who had reported one or more skills in the Welsh language. At last, it appears as if our official statisticians are taking some account of the complexity of the language situation in Wales. This involves recognising that, in a bilingual community, the apparently straightforward question ‘Do you speak Welsh’ cannot be fully answered with a simple Yes or No.

questions concerning identity and perceived identity. This study drew upon a sample of over 20,000, was published by the National Assembly and can be considered statistically robust (see Table 2). Interestingly, it confirms that the rank order correlation between the geography of language and identity is fairly low. This is not to deny that Welsh speakers are not fervent Welsh identifiers, but rather that today's communities in Wales have a rather more complex composition. The innate Welshness of Blaenau Gwent, for example, is not undermined by its lack of Welsh speakers.

Both these characteristics have been shown to impact upon voting patterns and loyalties. At the coming elections to the National Assembly, a key decision for most voters will be the allocation of their second, regional list, ballot. In regions with strong Labour representation from the constituencies the likelihood of Labour being awarded additional seats from the list is slight. In these seats, perceptive electors will be looking to support the party that best complements their constituency choice. The logic of recent coalition politics in the Assembly suggests that, for Labour voters, this should be the Liberal Democrats. Persistent political research however, has shown that Labour voters, especially in traditional south Wales, are likely to consider Plaid Cymru as their next preferred party, especially amongst those voters who have a strong sense of Welsh national identity.

Table 2: Welsh Speakers and Welsh Identifiers

2001 Census		2001/02 Welsh Labour Force survey	
% Speaking Welsh		% claiming Welsh nationality	
Gwynedd	69	Merthyr Tydfil	87

Electoral Commission Report

An Electoral Commission report, *Wales votes? Public attitudes towards Assembly elections*, published in January, underlined the sense of disengagement amongst voters that faces the political parties in the run up to the May 2003 elections.¹²⁶ According to the findings, this is due to five main factors:

- The dilution of traditional class allegiances and the diminished influence of the trade unions – both historically acted as motivating forces for voters.
- The perceived inter-changeability of parties, such that people feel it makes little or no difference who is actually in power.
- The sense that life is now determined by world economic forces, rather than policies followed by any one country.
- The perceived lack of strong personalities in politics.
- Perceived lack of information available about politics.

The sense of disengagement is especially strong amongst the 18-24 age group, 69 per cent of whom did not vote in the 1999 Assembly elections. The report suggests that people with more at stake, for example those with a mortgage, children, or owning a car are more likely to engage with politics. Participation amongst those over 65 years old is higher than any other age range, with 71 per cent of this group voting in the 1999 election.

The report's findings reveal a good deal of confusion about the Assembly's activities and powers, with many regarding it as more of an administrative body than a political institution. As John Curtice, deputy director for the Centre for Research in Elections and Social Trends, put it:

“The challenge to the devolved institutions when they face the voters on May 1 will be to persuade them that they are still worth turning out for.”¹²⁷

CBI Survey

A survey undertaken by Wales CBI Wales revealed that more than a quarter of its members (27 per cent) want to see the Assembly acquire equivalent law-making and tax-raising powers to the Scottish Parliament. On the other hand 41 per cent supported the current devolution model with 29 per cent wanting a return to direct rule from Westminster. The survey also showed that 40 per cent believed the Assembly is business friendly, while 43 per cent thought it was not. CBI Wales director, David Rosser said,

¹²⁶ The Electoral Commission, *Wales votes? Public attitudes towards Assembly elections*, Cardiff, December 2002.

¹²⁷ *Western Mail* 7 February 2003.

“Our politicians should be concerned that business is split over whether the Assembly is business friendly, with a majority believing it is not. The fact that business supports the devolution model, but has a lower approval rating for the Assembly itself, shows that during its first term, the Assembly has failed to adequately address the needs of business.”¹²⁸

¹²⁸ *Western Mail* 28 January 2003.

At Labour's Spring conference in Swansea Rhodri Morgan was given a boost from the Prime Minister who admitted that he had been wrong to block the First Minister's bid to lead the Assembly. As he put it:

“... this is not the time when I should be casting doubt on my own judgement but I have to say I think Rhodri Morgan has proved to be an absolutely wonderful leader”.¹³⁶

The conference was overshadowed by Iraq which delegates had been told would not be debated on the floor of the conference. A bid to tear up the rule book which bars debate on non-devolved matters was defeated. Mike Jeffreys, chairman of Standing Orders Committee which upholds conference rules said:

“In 1998 we took a clear decisions to show our commitment to devolution and the seriousness of devolution and this conference should do so. The Welsh conference should be dedicated to matters within the competence of the National Assembly.”¹³⁷

Despite counter arguments that Iraq did fall within the remit of the Assembly because of the possible budget drain and emergency planning against terrorist attacks the standing orders committee continued to refuse a debate on the floor of the conference. The committee believed that a two hour question and answer session on the looming conflict with Welsh Secretary Peter Hain and Labour party chairman, John Reid was sufficient.

Rhodri Morgan made a direct appeal to Party members to go the extra mile to secure the vital 32 seats Labour needs for an overall majority, a majority which he has set his sights on:

“We delivered with a minority government. We delivered some more with a coalition government. We can deliver best of all with a majority government.
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“Labour’s history with the trade unions is rapidly coming to a cross-roads. Tony Blair and New Labour have turned their backs on the very people they’ve relied on for over a century ... Bob Crow’s acceptance of our invitation to address conference is testament to the growing divide between the Labour Party and the Trade Unions.”¹⁴⁴

In a Tribune article, Plaid Cymru Carmarthen MP Adam Price interpreted Rhodri Morgan’s ‘Clear red Water’ speech at Swansea in November as opening up the possibility of a ‘Red/Green’ coalition between the two parties after the next Assembly elections:

“The new vocabulary of political dialogue in Wales is rich with potential, but the geometry strikes me as fairly simple. There are two anti-socialist groupings in the National Assembly, and two avowedly socialist parties, divided on the National Question, but united at face value at least, in their opposition to New Labour’s market driven approach. As we face down the common enemy, then what unites us is for the moment far more important than anything that divides us. A ‘historic compromise’ between the two great currents of the Welsh left, a radical red-green platform of progressive politics would, in my view, be as powerfully renewing as the first red-green Government in Germany twenty years ago.”¹⁴⁵

Conservatives

Ahead of their Spring conference, the Welsh Conservatives made an appeal for unity amongst their English counterparts in a bid to show a united front for the forthcoming elections. Nick Bourne branded the senior Tories at Westminster an “undisciplined rabble” and warned that continued squabbling at the top was pushing the party towards “electoral Armageddon”:

“I am absolutely fed up with the way certain individuals are acting ... it is quite clear they don’t have elections this year and all this will do is detract from the fact that here in Wales I lead the most united and progressive group in the National Assembly. It is time the sniping in the party stopped. We need a bit of team work – at the moment it’s

- Guaranteed waiting times for hospital patients.
- Guaranteed budgets for schools.
- Limits on business rates to promote jobs.
- Reducing waste and investing the savings in frontline services.
-

candidates for the election¹⁵⁰, whilst another group pledged to create an ‘Abolish the Assembly Party’ if it could find people willing to stump up a £750 membership fee to stand as candidates.¹⁵¹

Meanwhile, former National Union of Mineworkers (NUM) leader Arthur Scargill launched his campaign as a list candidate for the Socialist Labour Party. Scargill set out a very traditional looking ‘old’ Labour position. He advocated state nationalisation and support for the firefighters’ pay claim whilst opposing PFI and the war on Iraq in his bid for election.¹⁵²

¹⁵⁰ ‘UK Independence Party to fight election on anti-Assembly ticket’, *Western Mail*, 30th November 2002.

¹⁵¹ ‘New Party seeks to abolish the Assembly’, *Western Mail*, 23rd January, 2003.

¹⁵² ‘Scargill promises “real socialist alternative”’, *Western Mail*, 12th February, 2003.

10. PRESS AND THE MEDIA

Jessica Mugaseth, IWA

Second 'Moment of Madness'

The major impact of the press during this period was to force the resignation of Ron

“This is a sad decision. I think Ron has done the right thing. It is a tragic end to an impressive career.”¹⁵⁷

Martin Shipton, the *Western Mail*'s chief political correspondent echoed this judgement:

“Wales is not blessed with a surfeit of politicians of Ron's calibre. The National Assembly he was so instrumental in creating can ill afford to lose someone of his political talent. Ron's departure from active politics is an occasion of sadness, not just for him but for Wales too.”¹⁵⁸

'Gagged' on Iraq

In mid-January the *Western Mail* canvassed the views of AMs on the views on the pending Iraq conflict. Although more than two thirds of whom responded, most of the Cabinet, led by Rhodri Morgan refused leading the paper to claim that they had been “gagged” by the party. Shortly after the paper's e-mailed the question “Should Britain go to war with Iraq?” was sent, Labour's chief whip, Karen Sinclair sent her own e-mail to the 27 Labour AMs suggesting they should not respond:

“We have been e-mailed by Martin Shipton asking us for 200 words on the Iraq situation. Can I gently remind you that it has always been our policy not to respond to these blanket surveys. I myself will be responding to say that I will not be responding to his request for the above reason.”¹⁵⁹

In total, 16 Labour AMs failed to reply to the paper's question, including the First Minister and five of his Cabinet colleague. Those who did reply showed very little support for war without a UN resolution. Ron Davies response was representative:

“I have no sympathy whatsoever for Saddam and his murderous regime who now face the wrath of the international community. A war in the Middle East, however, is fraught with danger, not only for the innocent civilians who will lose their lives but because it could provide the spark for a much wider conflict.

The United Nations has taken the lead so far and I would not support any military action other than on the basis of a further clear, specific resolution by the United Nations. Anything short of this will add weight to the suspicions that the UK is being dragged along as an accessory to a US strategy owing more to a lust for revenge and the intrigue of oil politics than the search for international reconciliation.”¹⁶⁰

¹⁵⁷ *Ibid*

¹⁵⁸ *Ibid*

¹⁵⁹ *Western Mail*, 17 January 2003.

¹⁶⁰ *Ibid*

The Liberal Democrats replied in a similar way to the question. As Montgomery AM Mick Bates stated:

“...What is crucial is a respect for the international law, so that force is only deployed when we have good reason to do so, and that reason is acknowledged throughout the community of nations ... the Welsh Liberal Democrats do not rule out military action but we must exhaust all alternatives to this first.”¹⁶¹

Plaid Cymru stated that the UN route was the only way forward and that war could not be undertaken without a clear mandate from the Security Council. However, Conservative AMs tended to support Tony Blair, typified by Glyn Davies, AM for Mid and West Wales:

“I would support Blair and give my 100 per cent backing to our armed forces, even without the full backing of the Security Council.”¹⁶²

A month later the BBC Wales political programme *Dragon's Eye*, asked the leaders of the party once again their opinions on the war with Iraq. The same views were reflected, Mike German said that his party was against war and clear evidence was needed with a new UN resolution as well as a vote in the House of Commons to demonstrate the country's belief that it is important. Nick Bourne, leader of the Conservatives also agreed that any action should be taken through the UN, but stressed that Saddam Hussain does need to be dealt with. Ieuan Wyn Jones concentrated on the work of the weapons inspectors, highlighting the importance of their work. However, the First Minister Rhodri would not comment on the issue saying he'd prefer to wait for the weapons inspector's report before making a statement.¹⁶³

Poor Health Reports

The Assembly Government experienced more than its usual share of negative headlines on the health service during the quarter:

- “Hutt again fails to meet targets” (*Western Mail*, 20 December 2002)
- “Wales's cancer rate still growing” (*Western Mail*,

According to the *Western Mail* there was:

“... no getting away from the fact that on health his (Rhodri Morgan) administration is vulnerable.”

Despite the new money for health and the investment in recruiting NHS staff the reality was that:

“... none of the initiatives are actually bringing down waiting times at a rate which is palatable for patients on the sharp end of the physical pain and discomfort”.

Leaders in Profile

A series of interviews by the BBC political correspondent, David Williams, gave an insight in to the personal lives of the Welsh political leaders. Hiking through Snowdonia the First Minister Rhodri Morgan revealed walking and woodwork take him away from his political life. Williams described the First Minister as:

“... something of a political mountain himself. For the moment he seems