



Llywodraeth Cymru
Welsh Government

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Cabinet meeting: 4 March 2024

Minutes of a meeting of the Cabinet on 4 March 2024.

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Contents

Present

Engagement with Constitutional Commission Chairs

Constitutional Commission final report

Previous meeting

First Minister's items

Senedd business

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Present

- Rt. Hon. Mark Drakeford MS (Chair)
 - Rebecca Evans MS
 - Vaughan Gething MS
 - Lesley Griffiths MS
 - Jane Hutt MS
 - Julie James MS
 - Jeremy Miles MS
 - Eluned Morgan MS
 - Mick Antoniw MS
-
- Hannah Blythyn MS
 - Dawn Bowden MS
 - Julie Morgan MS
 - Lynne Neagle MS
 - Lee Waters MS

Officials

- Andrew Goodall, Permanent Secretary
- Des Clifford, Director, Office of the First Minister
- Matthew Hall, Head of Cabinet Division
- Toby Mason, Head of Strategic Communications
- Rory Powell, Head of First Minister's Office
- Jane Runeckles, Special Adviser
- Madeleine Brindley, Special Adviser
- Alex Bevan, Special Adviser
- Daniel Butler, Special Adviser
- Ian Butler, Special Adviser

- Kate Edmunds, Special Adviser
- Sara Faye, Special Adviser
- Sam Hadley, Special Adviser
- David Hooson, Special Adviser
- Clare Jenkins, Special Adviser
- Owen John, Special Adviser
- Phillipa Marsden, Special Adviser
- Tom Woodward, Special Adviser
- Christopher W Morgan, Head of Cabinet Secretariat (minutes)
- Damian Roche, Cabinet Secretariat
- Catrin Sully, Cabinet Office
- Kathryn Hallett, First Minister's Office
- Helena Bird, Permanent Secretary's Office
- Nia James, Interim Director of Legal Services
- Tracey Burke, Director General Climate Change & Rural Affairs
- Sioned Evans, Director General, Public Services and Welsh Language Group
- Tim Moss, Chief Operating Officer
- Judith Paget, Director General Health and Social Services
- Andrew Slade, Director General, Economy, Treasury and Constitution
- Professor Laura McAllister, Co-chair Constitutional Commission (in person) (item 1)
- Dr Rowan Williams, Co-chair Constitutional Commission (via Teams) (item 1)
- Piers Bisson, Director European Transition, Constitution and Justice (item 1&2)
- Sophie Brighouse, Deputy Director Constitutional Affairs & Inter-Governmental Relations (items 1&2)
- Gareth Morgan, Deputy Director Commissions Secretary (items 1&2)

Item 1: Engagement with Constitutional

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Commission Chairs

1.1 The First Minister welcomed Laura McAllister and Rowan Williams, the co-chairs of the Independent Commission on the Constitutional Future of Wales, to the meeting.

1.2 The Programme for Government had committed to the establishment of an independent commission to consider the constitutional future of Wales. The commission commenced its work in November 2021 with 2 broad objectives: to consider and develop options for fundamental reform of the constitutional structures of the United Kingdom, in which Wales remained an integral part; and to consider and develop progressive principal options to strengthen Welsh democracy and deliver improvements for the people of Wales.

1.3 The commission's final report was published in January and made ten recommendations for urgent action. The first 3 related to strengthening Welsh democracy, with the remaining 7 focusing on measures to protect the devolution settlement.

1.4 Professor McAllister indicated that Dr Williams would focus on the first 3 recommendations of the report, whereas she would address the remaining 7.

1.5 Dr Williams began by highlighting how well the commission had worked together, given the broad political positions of members. This had created a sense of common purpose and resulted in an almost unanimous agreement to the recommendations. The co-chairing approach had also worked remarkably well, with practical and theoretical benefits of shared judgement and sharing of the administrative load. Furthermore, the work of the Expert Panel had been invaluable.

1.6 The aim of the National Conversation was to hear from as many people as possible, to provide the final report with legitimacy. Taking diverse approaches

had given a rich and detailed perspective and given the commission valuable insight into the views of citizens, which would serve as a valuable lesson for Welsh political culture.

1.7 The commission had succeeded in reaching many people through cost-effective methods, but 18 months had not been long enough to hold a comprehensive conversation and it had been difficult in reaching out to certain groups, such as Gypsy, Roma and Traveller communities, the Deaf community and those within the agricultural sector.

1.8 There had been a credible level of engagement with the Welsh public, particularly through the citizen panels, which allowed people to take a more considered view of the available options.

1.9 It would be important for conversations to continue as part of the usual democratic engagement, to ensure all voices were heard.

1.10 All this had informed the first three recommendations with the aim of seeking to build a stronger democratic culture to counter the threats to representative democracy across the world. These recommendations were aimed at fostering active participation in Wales' system of governance, including inclusive community engagement, greater civic education, establishing an expert advisory panel and developing a statement of constitutional and governance principles for Wales.

1.11 Professor McAllister turned to the remaining 7 recommendations. The commission also concluded the current devolution settlement was vulnerable and unstable as a consequence of the way the UK government had appealed to UK Parliamentary sovereignty to override the powers of the Senedd and the Welsh Government, thus undermining the established conventions on inter-parliamentary and inter-governmental relations.

1.12 It was therefore recommended there should be UK legislation to underpin

intergovernmental relations and the duty of co-operation, and to strengthen the Sewell Convention with a requirement for Senedd consent. In addition, the UK government should remove current financial constraints on Welsh Government budget management.

1.13 The remaining recommendations related to the potential for further devolution. There should be a phased devolution of justice, commencing with youth justice, probation and policing and full devolution of rail services and infrastructure, with fair funding. In addition, there should be an expert panel to advise on energy devolution, including the Crown Estate and a stronger voice for Wales on broadcasting, while exploring routes to devolution.

1.14 In addition to the recommendations, the commission had identified three options for further constitutional reform: Enhanced Devolution, Wales in a Federal UK, and Independence. However, the commission did not come to a view on a preferred option but concluded that each represented a viable option and provided an analysis of the strengths and weaknesses of each, judged against their framework.

1.15 Cabinet welcomed the report and put on record its thanks to the co-chairs, members, the expert panel and all those that supported and contributed to the work of the commission.

1.16 Ministers agreed it was an authoritative, concise, insightful and accessible report, which set out the foundations for the constitutional future of Wales. To have been able to develop unanimous conclusions on a cross-party basis had been a significant achievement.

1.17 The government could learn lessons from the co-chairing approach, the measured and pragmatic approach to community and democratic engagement, and the qualitative and quantitative research approach. This, alongside processes used by the health department could help improve contact with citizens in Wales.

1.18 Ministers noted the commission's findings, which concluded the status quo was not an option. It was important to develop a statement of constitutional and governance principles for Wales.

1.19 Cabinet again thanked the co-chairs and the work of the commission.

Item 2: Constitutional Commission final report

2.1 The Counsel General and Minister for the Constitution introduced the paper, which invited Cabinet to agree the Welsh Government's formal response to the Constitutional Commission's final report as set out in annex B.

2.2 The previous engagement with the co-chairs provided the background to the recommendations. It was important to capitalise on the commission's work, given the alignment to the Government's existing policy positions and therefore, it was proposed that Cabinet should accept all of the recommendations. However, there was a need to take into account the significant financial and capability challenges and risks.

2.3 Cabinet agreed that all the recommendations should be accepted.

2.4 Cabinet approved the paper.

Item 3: Minutes of the previous meeting

3.1 Cymeradwyodd y Cabinet gofnodion y 26 Chwefror / Cabinet approved the minutes of 26 February, subject to an amendment to paragraph 2.5.

Item 4: First Minister's items

St David's Day visits

4.1 The First Minister informed Cabinet there had been a number of Ministerial visits the previous week to promote Wales as part of the St David's day celebrations. He had visited Brussels for a series of engagements and attended an event at the Indian High Commission in London to launch the Wales in India campaign. This was a joint event attended by the Minister for Health and Social Services, who was in India.

4.2 In addition, the Minister for Rural Affairs and North Wales and Trefnydd had attended a reception at the US Embassy in London, the Minister for Social Justice and Chief Whip had attended a series of engagements in Dublin and the Counsel General and Minister for the Constitution had been a guest at the Law Society's St David's Eve reception at Chancery Lane in London.

4.3 The Minister for Health and Social Services advised Cabinet that, in addition to attending the launch of the Wales in India Campaign in Mumbai, she had discussed the implementation of the Well-being of Future Generations Act with the Maharashtra Legislative Assembly and attended a LGBTQ+ event. In addition, the minister had met with representatives of Tata Steel and signed a memorandum of understanding with the Government of Kerala on the placement of health professionals from India to Wales.

Newport Wafer Fab

4.4 The Minister for Economy informed Cabinet the UK Cabinet Office had issued a consent order on Friday the previous week to allow Vishay Intertechnology of the USA to purchase Newport Wafer Fab from Nexperia, due to national security concerns.

Care Experienced Summit

4.5 The First Minister reflected on the Care Experienced Summit that had taken place in Cardiff on Saturday, which had been attended by 5 ministers.

Item 5: Senedd business

5.1 Cabinet considered the contents of the Plenary Grid and noted that voting time was scheduled for 5pm on Tuesday, this would be followed by a Committee of the Whole Senedd to consider stage 2 of the Senedd Cymru (Members and Elections) Bill. Given the number of amendments, Stage 2 would also be taking place on Wednesday.

Cabinet Secretariat
March 2024

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