



The Constitution Unit



Strategy Wales
Strategaeth Cymru

Nations and Regions: The Dynamics of Devolution

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WELSH LABOUR TAKES CONTROL

Monitoring



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John Osmond

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SUMMARY

Welsh Labour resolved to govern alone and dispense with a coalition with the Liberal Democrats following the May 2003 election. This was despite winning just half of the 60 seats in the Assembly, one short of a majority. Plaid Cymru was the main loser in the election losing five of the 17 seats it won in 1999, including the Valley constituencies of Rhondda, Islwyn and Llanelli. The Conservatives gained on the list, moving from nine to eleven seats, while the Liberal Democrats held on to their six.

Labour's decision to go it alone was made easier by Plaid Cymru allowing its Meirionnydd AM, Dafydd Elis Thomas, to be elected as Presiding Officer, thereby according Labour an overall majority. In addition the disappearance of a number of independent-minded AMs from Labour's own side - in particular Ron Davies, the former Caerphilly AM, and John Marek, who was returned for Wrexham as an Independent – added to the party's confidence in retaining its majority.

The most significant innovation in Rhodri Morgan's new Cabinet is the post of Minister for Social Justice and the appointment to it of former Finance Minister Edwina Hart. There was immediate speculation that this represented a demotion since it removed the Minister from her strategic position at the centre of the Administration. On the other hand, the First Minister described the new portfolio as representing the central challenge facing the Administration in its second term. He handed responsibility for Finance and Local government to his close ally, Cardiff North AM Sue Essex. Her former role as Minister for Environment and Planning was combined with Rural Affairs and given to Carwyn Jones. Jane Hutt continued as Health Minister and Andrew Davies as Minister for Economic Development.

The most striking message from the election statistics was the extent to which Plaid Cymru failed to mobilise its supporters. For instance, while the Labour Party more or less held its own in the regional list vote – in numbers it fell by 11 per cent – Plaid's regional vote collapsed by nearly half, 47 per cent. This setback plunged the party into a leadership crisis. Initially Ieuan Wyn Jones insisted he would remain in office. However, when it became clear that at least half of the Group in the Assembly did not support him he immediately resigned, precipitating a one-member one vote leadership election in the party as a whole. Veteran campaigner, party vice-president Dafydd Iwan announced his candidature, along with former Mid and West Wales AM Cynog Dafis, and it was widely speculated that the former South East Wales AM Phil Williams would follow suit. The result will be announced at the party's conference in September.

Fears that Tony Blair's anticipated Cabinet reshuffle later in the year will result in abolition of the Secretary of State for Wales prompted Cardiff West MP Kevin Brennan to table a Commons Early Day Motion in early May in support of the post. Brennan said: "A reliable source – not in the Wales Office – has suggested to me that the Prime Minister is considering dropping the post of Secretary of State for Wales in the next government reshuffle, likely to take place in the summer. It could involve amalgamating the post with the Secretary of State for Scotland or doing that and tagging on the English regions too. It does not make sense to get rid of the Secretary of State's role for as long as the Assembly is not responsible for primary legislation."

1. THE ASSEMBLY GOVERNMENT

John Osmond and Jessica Mugaseth, IWA

Welsh Labour Takes Control

With relief Welsh Labour shrugged off its relationship with the Liberal Democrats and resolved to govern alone following the May 2003 election. This was despite winning just half of the 60 seats in the Assembly, one short of a majority. However, the decision was made easier by two factors:

1. Plaid Cymru allowed its Meirionnydd Nant Conwy AM, Dafydd Elis Thomas, to be elected as Presiding Officer, thereby according Labour an overall majority.
2. The disappearance of a number of independent-minded AMs from Labour's own side - in particular Ron Davies the former Caerphilly AM, and John Marek, who was returned for Wrexham as an Independent – added to the party's confidence in retaining its majority over a full four year term.

Before the election First Minister Rhodri Morgan had hinted that, even if he were to win a majority of just one or two seats he might still seek a coalition rather than rely on backbench support from potentially dissident members on his own side. For instance, interviewed at the 2002 UK Labour conference by the BBC Wales political programme *Dragon's Eye* (3 October 2002) he said he had been impressed by the Irish Taoiseach , Bertie Ahern, coming to this conclusion following the Irish general election a few months earlier. In the event, however, he was able to brush such hesitation to one side. As he put it to the new Assembly's first plenary session:

“As we now have 30 Members we will – to put it crudely – go it alone and not proceed with a coalition Government ... There has been a swing towards Labour, and we have always maintained that if we were given the tools to do the job, we would do it as a Labour administration. That is new to the Assembly. We have had a minority Government and a coalition Government, but not a majority administration. While accepting that we do not technically have a majority, we believe that we have the confidence of the people of Wales and that we have been endorsed by the swing towards Labour – giving us 30 Members – to enable us to proceed over the next four years.”¹

¹ Assembly Record, 7 May 2003.

The New Cabinet

The most significant innovation in Rhodri Morgan's new Cabinet, announced a week after the election on 1 May (see Table 1), is the new position of Minister for Social Justice and the appointment of former Finance Minister Edwina Hart to the post. There was immediate speculation that this represented a demotion since it removed the Minister from her strategic position at the centre of the Administration. On the other hand, the new portfolio was described as representing the central challenge facing the Administration in its second term. Responsibility for Finance and Local government was handed to Rhodri Morgan's close ally, Cardiff North AM Sue Essex who took up the brief in place of her former role as Minister for Environment and Planning. In turn these positions were combined with Rural Affairs and given to Carwyn Jones who, during the previous Administration had been responsible for Agriculture during the foot and mouth crisis.

Andrew Davies continues as Economic Development Minister, though with added responsibility for Transport – a function which had formerly been held within the Environment portfolio. While there can be no doubt that transport is closely tied to the economy, its inclusion within an already overburdened portfolio suggests it may be downplayed in the second term. Perhaps it also acknowledges that, without control of the rail system, the Assembly has limited powers in this area.

It had been widely commented that combined with her no-nonsense style, Edwina Hart's control of the budget and local government had made her the most influential figure in the previous Administration, vying at times with the First Minister himself. Against this Rhodri Morgan signalled that he regarded her new portfolio as the defining aspect of the second term agenda:

“This is going to be what will mark out the second administration as different from the first. We've got to deliver for the people in Wales who've got left behind and where the new prosperity has not reached them.”²

A further indication of the importance the new Administration attaches to the new portfolio is that Mrs Hart has been allocated a deputy Minister, Merthyr AM Huw Lewis who for some years has campaigned for the Social Justice department to be created. His appointment means that the Education portfolio, retained by Jane Davidson, loses a deputy Minister. Jane Hutt, who continues as Health Minister, despite a good deal of criticism during the election campaign because of rising waiting lists across Wales, also retains her deputy Minister Brian Gibbons.

Edwina Hart's main weapon in tackling deprivation will be the Assembly Government's flagship £83 million Communities First programme, responsibility for which Edwina Hart carries over from her previous portfolio which included a 'Communities' brief that embraced social exclusion as well as local government. Communities First is aimed at tackling deprivation in communities largely concentrated within the Objective 1 region of west Wales and the south Wales Valleys. Involving expenditure of £83 million over the first three years (2002-05), the programme is targeting 142 of Wales' most disadvantaged communities.

² *Welsh Mirror*, 10 May 2003

Table 1: The New Cabinet

Rhodri Morgan (63) First Minister (Cardiff West)	Responsible for the exercise of functions of the Assembly Cabinet; Responsible for the exercise of functions by the Assembly Cabinet; policy development and the co-ordination of policy, the relationships with the rest of the UK, Europe and Wales Abroad; the maintenance of Open Government. Staffing/Civil Service.
Sue Essex (57) Finance, Local Government and Public Services (Cardiff North)	Responsible for budgeting and managing the finances of the Government; the development of the strategic approach to the delivery of public services; and local government.
Karen Sinclair (50) Assembly Business (Clwyd South)	Responsible for managing the business of the Government in the Assembly; and acting as Chief Whip to the Government's supporters in the Assembly.
Edwina Hart (46) Social Justice and Regeneration (Gower)	Responsible for the Government's programme for regenerating the communities of Wales in particular those suffering the greatest disadvantage: including Communities First, Anti-Poverty initiatives, the Social Economy, the Voluntary Sector, Community Safety and relations with the Police, the Fire Service, Drug and Alcohol Abuse, Youth Justice, Housing, Equality.
Jane Hutt (53) Health and Social Services (Vale of Glamorgan)	Responsible for Health and NHS Wales. Social Services and social care, food safety. Children.
Andrew Davies (50) Economic Development and Transport (Swansea West)	Responsible for innovation and enterprise; industrial policy and business support; inward investment promotion of indigenous companies and regional development, transport, energy, tourism, strategic co-ordinating responsibility for ICT and Structural Funds. Knowledge Exploitation Fund.
Jane Davidson (46) Education and Life-Long Learning (Pontypridd)	Responsible for Schools, Further Education and Skills development, Higher Education, Youth Service and Careers Service.
Carwyn Jones (36) Environment, Planning and Countryside (Bridgend)	Responsible for the environment and sustainable development, Town and Country Planning, Countryside and conservation issues, agriculture and rural development including forestry and food production.
Alun Pugh (47) Culture, the Welsh Language and Sports (Clwyd West)	Responsible for Arts, Libraries and Museums, Sport and recreation, and the languages of Wales

The programme has a lifespan of at least ten years with the long-term intention of tackling the underlying factors that contribute to poverty. In particular, the high economic inactivity that characterises the communities identified is a major underlying reason for their problems. In this respect the Communities First programme connects directly with the Assembly Government's core objective of raising overall Welsh GDP from 80 per cent to 90 per cent of the UK average by 2010. It is intended too that the communities themselves, in partnership with statutory bodies, voluntary groups and the private sector, will identify their requirements and how to address them. Capacity building – that is, building leadership from within the communities themselves – forms a central part of this strategy.

Few would quarrel with any of these objectives, but the challenge will be to put in place practical measures to ensure they are delivered. Mrs Hart's appointment can be understood in terms of the Administration's recognition of this challenge. There are at least three further, inter-related problems:

1. The programme was initially motivated from Edwina Hart's Communities department within the Assembly Government. The Economic Development division was not centrally involved. This is despite the programme's underlying purpose in tackling economic inactivity rates.
2. The main agents for the delivery of Communities First appear to be local authorities. These are the organisations to which money is flowing and which are doing the recruiting. Yet a central aim of the project is to build leadership capacity from within the affected communities. While local authorities are theoretically representative of the communities because of their democratically elected position, they are often distrusted because of their previously poor service provision to deprived communities. There is a danger that the programme's capacity building objective might end up in communities becoming alienated from the process.
3. It is not clear what the programme's precise targets are, or how they will be evaluated. How can 'capacity building' be assessed? It is true that in April 2003 the Assembly Government commissioned a large-scale Evaluation Project, worth around £1million. However, this will not report for some years.

Two new appointments from north Wales will take the heat out of the north/south controversy that dogged Rhodri Morgan's first term Cabinet. There were continual claims that the previous Cabinet was biased towards south Wales and Cardiff in particular - so much so that Rhodri Morgan appointed himself as Minister for North Wales, a position that has now disappeared. Instead, Karen Sinclair, AM for Clwyd South, has become Minister for Assembly Business, and Alun Pugh, AM for Clwyd West, is the new Minister for Culture, Sport and the Welsh Language. Sinclair, a former councillor and youth worker, continues her role as chief whip, in which position she impressed Rhodri Morgan during the first term. Alan Pugh, a former Assistant Principal at the West Cheshire College and deputy Education Minister in the previous Administration, had been widely tipped to make the Cabinet.

Table 2: Deputy Ministers

Brian Gibbons (Aberavon)	Economic Development and Transport
John Griffiths (Newport East)	Health and Social Care with specific responsibility for Older People
Huw Lewis (Merthyr)	Social Justice

The appointment of the three deputy Ministers was accompanied by an effort to award them a salary increase as an acknowledgement of their extra responsibilities. The increase, coupled with an equivalent enhancement for the Conservative and Liberal Democrat leaders in the Assembly, brings them in line with the Chairs of the Subject Committees. As an Assembly Government spokesperson put it:

“The First Minister has made it clear that he has been in discussions with the opposition parties to remove the ambiguities which surrounded the role of deputy ministers in the last administration and to reflect their contribution to the work of the Assembly Government.”³

The ambiguity referred to was due to the positions having no status within the legislation that established the Assembly, nor within the Assembly’s standing orders. The change proposed would bring deputy Ministers firmly within the remit of the Cabinet and collective responsibility. However, the change requires an amendment to standing orders and thus two-thirds of members to vote in favour. With a number of Opposition MPs voicing disquiet at the increase the so-called Labour ‘pay-roll’ vote, the required majority appeared doubtful. As Tory AM Glyn Davies declared:

“The decision to increase the government payroll in direct contradiction of the Government of Wales Act immediately after an election will do great damage to the Assembly’s credibility with the public.”⁴

Table 3: National Assembly Pay Scales, May 2003

Basic AM salary	£42,434
First Minister	£113,868
Other Ministers	£79,490
Deputy Ministers (proposed)	£47,833
Presiding Officer	£79,490
Deputy Presiding Officer	£65,645
Opposition Leader	£79,490
Conservative Group Leader (proposed)	£47,833
Liberal Democrat Group Leader (proposed)	£47,833
Subject Committee Chairs	£47,833

³ *Western Mail*, 15 May 2003.

⁴ *Western Mail*, 16 May 2003.

The new position of Deputy Ministers was consolidated when it was announced that they would be provided with their own offices and secretaries on the fifth floor of the National Assembly building in Cardiff Bay, the floor occupied by the Cabinet and its Secretariat. During the first term Deputy Ministers had no specific facilities of their own.

The overall impression provided by the new Cabinet was an elegant combination of change and continuity: change in the creation of a Minister for Social Justice, continuity in most other respects. To the extent that this last point suggests complacency, especially in the directions the Assembly Government has been taking in health and economic development, it will face growing opposition during the second term. Above all, however, the new dispositions reveal how easily the strengthened Labour Group has dispensed with the services of the Liberal Democrats. Alun Pugh is likely to prove energetic in delivering a fresh agenda for Culture in place of Jenny Randerson. Meanwhile Mike German's uneasy portfolio, combining Rural Affairs with Wales Abroad, has been more logically divided: Carwyn Jones taken over the former, and the First Minister himself has assumed responsibility for Wales Abroad, no doubt with some anticipation given the record he established in the first term of a formidable itinerary of travel across the globe.

Civil Service in 'Purdah'

During this quarter the Welsh civil service experienced for the first time a month of 'purdah', the period of self-imposed silence during an election campaign when a veil protects it from the public eye. Official guidance was drawn up on the behaviour of civil servants in the run-up to the National Assembly election. This rehearsed the following general principles that should be observed by all Civil Servants, including Special Advisers:

1. "There should be even-handedness in meeting information requests from candidates from different political parties. Such requests and responses should be handled in accordance with the principles laid down in the Code of Practice on Access to Government Information, and should be regarded as especially urgent - the aim should be to respond within one day;
2. Particular care should be taken over official support, and the use of public resources, including publicity, for Ministerial announcements which have a bearing on matters relevant to the National Assembly elections;
3. Similar care should be taken over announcements of decisions made at official level. In some cases it may be better to defer an announcement until after the elections but this would need to be balanced carefully against any implication that deferral could itself influence the political outcome - each case should be considered on its merits;
4. Special care should be taken in respect of paid publicity campaigns which should not be open to criticism that they are being undertaken for party

political purposes. There should be a general presumption against undertaking new campaigns in any area that might be considered controversial in relation to the elections.”⁵

In effect, these outline the two basic principles of political impartiality and ensuring that public resources are not used for political purposes. The rules meant that civil servants could provide only factual information to AMs and Ministers. They were restricted from any work that would attract media attention or could be politically sensitive.

A task of the civil service in Westminster during election periods is to assess the manifestos, liaising with the different parties and drawing up a cost benefit analysis of the policies proposed by the opposition and governing parties. A spokesman for the Assembly Government said that during the election period the Welsh civil service informed itself on the *implications* of manifestos, rather than planning their *implementation*.

One civil servant explained that for her department “the priority has been to archive documents and committees, as well as drawing up forward work programmes of what we think we might be doing next term or what we have to do.”

AMs political researchers were given much more flexibility and privileges than researchers in the Houses of Parliament during an election period. Unlike in Westminster where all employees of MPs are given 48 hours to clear their desks and hand in their parliamentary passes once an election is called, researchers in the Assembly retained their passes which only became invalid on the eve of poll, 30 April. This enabled them to enter their offices and access information from the Assembly. Although they were officially restricted it is much more difficult to administer and police what these researchers were actually doing in the offices than it is in Westminster. Another interesting comparison is that whilst MPs have to give up their title, AMs retain their positions until the day of the election.

The First Minister also issued a briefing paper for Government Ministers’ actions during the election campaign. The statement states that

“Ministers will be expected to maintain a proper separation between their official duties on the one hand and their party or constituency roles on the other...

Ministers will not undertake any high-profile public official engagements, or make any major official announcements. The test is that such Ministerial activity will not take place if:

1. it is likely to attract any local or national media attention other than trivial or cursory references; and/or
2. it deals with a politically contentious issue.

Nonetheless, Ministers will need to continue to handle the routine business of government during the period of the campaign ... Ministers will otherwise be free to manage their campaign commitments as they and their parties see fit, just as

⁵ Library of the National Assembly for Wales Brief: ‘The Civil Service’

Members in general are. However, they will be expected to avoid making explicit references to their Ministerial office for campaign purposes, or in election publicity, except on a purely factual basis in any biographical note in their election addresses.

For all election and party political activities the form of address by which the Deputy First minister and I will seek to be referred to will be our respective party leadership roles, viz. Leader of the Liberal Democrats Party in the Assembly and the Leader of the Labour Party in Wales.”⁶

Objective 1 Performance Criticised

Criticism is mounting over the allocation of money and the type of jobs created in the Objective 1 programme. According to academic observers nearly half of the jobs created by the funds so far were for administration of the European grants and would last as little as two years. Professor Dylan Jones Evans, of the University of Wales, Bangor, said that each of the 750 Objective 1 projects in Wales would, on average employ three or four administrators, jobs that would disappear once the funding ended:

“I would say that nearly half the jobs created are just for administering these projects.”⁷

Dr Philip Boland, of Cardiff University, who studied Merseyside’s Objective 1 programme between 1994 to 1999, said that while public sector bodies were doing well out of the fund, the private sector was being sidelined. He described the current Welsh programme as:

“... feeding frenzy for the usual suspects – local authorities colleges, training providers, the Welsh Development Agency. One of the problems for Merseyside was the programme degenerated into a bums on seats mentality. Getting people on to training courses and getting them out with a better qualification was all that mattered, not whether that qualification really matched demand in the labour market. That could well be happening in Wales.”⁸

According to figures produced by the Wales European Funding Office, only 1,543 new and existing SMEs have received financial support from Objective 1, compared with the forecast was for a figure of 5,347. Half way through the programme only 8,017 jobs have been created compared with a target of 39,764; while 645 new companies have been created compared with a target for the programme as a whole of 7,593.⁹

⁶ Cabinet Written Statement, ‘Ministerial Conduct During the Election campaign’ 20 March 2003.

⁷ *Western Mail*, 15 March 2003.

⁸ *Ibid.*

⁹ *Ibid.*

Education Funding

The Assembly Learning Grant was officially launched in March. Approximately £50 million has been allocated for 2003-04 to assist in guaranteeing a source of extra financial support of up to £1,500 for students in Higher Education and for the first time, students in Further Education. In addition, the Assembly Government has re-introduced Individual Learning Accounts Wales. According to Education Minister Jane Davidson this would:

“Build on the best aspects of the original programme, with the individual able to choose from a wide variety of learning options, a simple application process and an opportunity to fund repeated learning. Also, in line with the Assembly Government's objective of providing equality of opportunity in learning, it will be targeted at those most in need.”¹⁰

There will be three levels of funding determined by the learner's status and the maximum ILA will be £200 in the learning year. It will provide

- 100 per cent of course costs if a student is receiving Income Support or Job Seekers Allowance (Income Based) is in payment and highest prior learning attainment level 2 or below up to a maximum ILA of £200;
- 80 per cent of course costs if a student is receiving Working Families Tax Credit/Working Tax Credit, Disabled Person's Tax Credit, Housing Benefit or Council Tax Benefit.

Launch of the 22 Local Health Boards

The 22 Local Health Boards that replace the five health authorities came into existence on 1 April.¹¹ The new Boards aim to give local communities control of their own health. They are coterminous with local government boundaries and will work in partnership with councils to shape and deliver social services. There were worries that they would begin their existence with debts of some £30 million. However the Health Minister handed them a £31 million one-off grant to help offset the deficits run up by the outgoing health authorities.¹²

LG Closure and Audit Office Investigation

At the end of May the LG Philips electronics factory at Newport, a Korean-Dutch joint venture, announced it would be closing in August with the loss of 870 jobs.

¹⁰ Assembly Government Press Release, 26 February 2003.

¹¹ For a detailed report see *Coalition Creaks Over Health: Monitoring the National Assembly September-December 2001*, pages 2-9

¹² *Western Mail*, 2 April 2003.

The plant, once solely run by LG Electronics, was part of what was billed as Europe's biggest ever inward investment in 1996. The project promised to create 6,100 jobs, but only the electronics element started production, reaching an employment high of 2,000. The semicon element never started production. In 2001 the LG Electronics Wales plant entered into a joint venture with Philips, with the creation of LGPD.

Meanwhile, the National Audit Office for Wales is conducting an investigation into £30 million overspend on regional selective assistance that was paid to the LG electronics. The Assembly Government has been in discussions for over a year with the company in a bid to recoup the £30 million. Alun Cairns, the Conservative economic affairs spokesman lodged written questions to the Minister Andrew Davies over the affair as well as raising the issue as a point of order in a plenary debate. Despite his attempts, Cairns does not feel that his questions have been answered. The European Commission has also been in contact with Assembly officials over the LG electronics overspend. A delegation of civil servants has held talks with executives from LG electronics concerning the £30 million funding issue. There is as yet no date for the final report of the Audit Office's investigation.

Reform of Ombudsmen's Service

A joint consultation '*Ombudsmen's service in Wales – Time for change?*' sets out the principle for bringing together the separate offices of Welsh Administration Ombudsman, Health Service Commission Wales and the Commission for Local Administration in Wales into a unified body led by a single individual. The primary stages of the consultation were welcomed with a near-unanimous support which now leads to a second more detailed consultation on the powers and jurisdiction of a unified office to commence later this year. It is hoped that a single office will provide a clear and direct route for members of the public who wish to complain about a public service but are unsure about which Ombudsman to complain to. It will aid the investigation of complaints that currently fall within different jurisdictions and will enable the Office to raise the profile of the Ombudsman's Office and the valuable service it provides.

New Assembly Government Business Partnership Adviser

The former Director of BT Wales, John Davies, has been appointed the Assembly Government's new Business Partnership Advisor to succeed Roger Thomas, of Eversheds who stepped down from the post in March 2002. The role is to strengthen the Assembly Government's relations with the business community. The appointment is for two years on a one-day-a-week basis. John Davies is a member of the Welsh Council of the CBI and a board member of ELWa.

2. THE ASSEMBLY

John Osmond and Jessica Mugaseth, IWA

The May 2003 Elections

The headline story of the May 2003 Assembly elections was of Labour recovering its heartland Valley seats of Rhondda, Islwyn and Llanelli from Plaid Cymru and placing itself firmly back in its traditional saddle of dominance, if not complete control, of Welsh politics.

However, a glance at the statistics summarised in Tables 1 and 2 reveals a rather more complex picture. Certainly Labour fought a shrewd campaign and reaped dividends on election night. However, the figures suggest that overall Plaid Cymru lost the campaign as much as Labour won it. This judgement should also be set against the eight per cent decline in turnout, from 46 per cent in 1999 to 38 per cent. This was a situation which had previously been thought to help Plaid Cymru, the party that had traditionally been the most successful in mobilising its core vote.

Table 4: Constituency Vote

	2003			1999		
	Votes	% Vote	Seats	Votes	%vote	seats
Labour	340,535	40.0	30	384,671	37.6	27
Plaid Cymru	180,185	21.2	5	290,572	28.4	9
Conservative	169,842	19.9	1	162,133	15.8	1
Lib Dem	120,250	14.1	3	137,857	13.5	3
John Marek Independence Party	6,539		1			

Table 5: Regional List Vote

	2003			1999		
	Votes	%Vote	Seats	Votes	%Vote	Seats
Labour	310,658	36.6	0	361,657	35.5	1
Plaid Cymru	167,653	19.7	7	312,048	30.6	8
Conservative	162,705	19.2	10	168,206	16.5	8
Lib Dem	108,013	12.7	3	128,008	12.5	3

A striking message from these statistics is the extent to which Plaid Cymru failed to mobilise its supporters on the regional list vote. While the Labour Party more or less held its own in the regional vote – in numbers it fell by 11 per cent – Plaid’s regional vote collapsed by nearly half, 47 per cent.

Labour put a great deal of effort in two Valley seats it lost to Plaid in 1999: Islwyn, Rhondda. It gained both yet only put its vote up by a few thousand. Elsewhere, in fact in 31 of the 40 seats, its vote actually dropped, due in large measure by the fall in turn-out. In three seats - Conwy, Llanelli, and Carmarthen West and South Pembrokeshire - it won by a hair’s breath. All these statistics point to the conclusion that Labour more or less held its position in 2003, while Plaid fell back significantly.

There was a good deal of comment during the campaign that it lacked the feel of a general election with national themes running across the country. Rather, the impression was one of a series of localised contests, typified by John Marek’s falling out with the Labour Party in Wrexham, as a result of which he deprived his former party of an overall majority in the Assembly.

Plaid Cymru’s underlying failure in the election was that as a nationalist party it did not manage to capture any clear or distinctive national themes. Apart from the Welsh language, which did not play a significant part in the campaign, Plaid Cymru is of course, most clearly identified with its constitutional aspiration of greater self governance for Wales. However, in this election it very deliberately put this to one side, saying that the constitution could be considered at a later date, if necessary by a convention of all the parties. Instead it chose to concentrate on bread and butter health and education issues and service delivery in a way that failed to distinguish itself from the Labour Party.

For its part Welsh Labour, under Rhodri Morgan’s leadership, spoke very clearly to its core supporters in the Valleys with a rhetoric built around free prescription charges for all, free breakfasts for all primary schoolchildren, continuing free bus travel for people over 60, no top up fees at Welsh Universities, and scrapping home care charges for disabled people.

Plaid Cymru (along with the Liberal Democrats and the Conservatives) failed to question any of this despite the fact that, for example, free prescriptions already extend to 88 per cent of the population. Extending the entitlement to the remaining 12 per cent who can well afford to pay will take £30 million away from the Assembly’s overall budget, and probably more since free entitlement for all will undoubtedly expand demand for prescriptions.

For Labour, however, the commitment played perfectly to its traditional supporters in the key target seats of Rhondda, Llanelli and Islwyn. Not only that, the commitment was firmly attached to an intellectual rationale repeatedly articulated by Rhodri Morgan in the months leading up to the campaign. The clearest expression came in his much quoted ‘Clear Red Water’ speech made in Swansea in November 2002. There he stated that free entitlements such as prescription charges stressed the individual’s position as a citizen rather than consumer. He said it underlined Welsh Labour’s objective of achieving equality and holding together:

“... a complex modern society such as ours ... by a powerful glue of social solidarity.”¹³

The force of this position was acknowledged by the most thoughtful of Plaid Cymru’s emerging younger leadership, Carmarthen MP Adam Price. As he put it:

“Rhodri Morgan’s speech ditching New Labour and declaring henceforth that there would be ‘clear red water’ between Cardiff Bay and Downing Street is massively significant. Not just for Welsh politics, but for all of us who believe in restoring democratic socialism as the animating principle of the Left.”¹⁴

It was noteworthy that while Labour did badly in the local elections in England, and also faltered to an extent in Scotland, it emerged as the clear victor in Wales. More than anything else this must surely be due to Rhodri Morgan’s success in carving out a distinctive position against *New Labour* for his *Welsh Labour Party*, freshly-minted in its new identity in the wake of the Alun Michael débacle four years ago. Labour’s new and distinctive Welsh profile must surely have acted as a firewall between it and such influences as fall-out from the Iraq conflict.

To be fair to Plaid, its breakthrough across the Valleys four years ago owed a lot to Labour disillusionment with the way Rhodri Morgan had been treated in successive leadership elections and the perception that Alun Michael had been imposed on Wales as a compliant Blair supporter. These circumstances made it easy for Plaid Cymru, the self-proclaimed ‘party of Wales’, to present itself as the patriotic party. But they were circumstances that could not be repeated. Welsh Labour, ably led in this respect by Rhodri Morgan who quickly established himself as the most high profile and likeable figure within the Assembly, took the lesson to heart.

It should also be noted that Labour now holds many constituencies, in particular Conwy, Llanelli, Carmarthen West and South Pembrokeshire, Clwyd West, Cardiff North, and Preseli on very narrow majorities, ones that will be highly vulnerable next time round. Unlike its Westminster seats, Labour’s majorities in Cardiff Bay have to be counted not weighed.

Nevertheless, in May 2003 Plaid sorely felt the loss of their former leader Dafydd Wigley, who through dint of tireless campaigning over three decades, had made himself known and appreciated across the party divides in Wales. His absence may have lost his party as much as half the 10 per cent of the vote it slipped between 1999 and 2003.

Despite this Plaid could have defined itself far more distinctively against Labour. There were policies in its manifesto that could have helped it achieve this but they were simply not exploited. One was its commitment to spreading wealth and economic activity across the regions of Wales, for example through insisting on regional growth targets, instead of seemingly resigning itself like Labour to the perceived inevitability of continued development along the M4 and A55 corridors. An aggressive campaign on this issue would also have blended well with an insistence

¹³ See Rhodri Morgan, ‘Clear Red Water’, in *Agenda*, Spring 2003, IWA.

¹⁴ Adam Price, ‘Red Green Progressive Politics’, in *Agenda*, Spring 2003, IWA.

that the Objective 1 programme must be made to work more effectively in west Wales and the Valleys, Plaid Cymru's sphere of influence and potential growth. Such a strategic approach failed to be emphasised, however, and that points to an underlying issue of leadership for Plaid Cymru. As ever, it faces the challenge of blending much more effectively the different character and interests of rural Wales with the Valleys, a challenge that it avoided in May 2003.

The other parties had varying fortunes. Among the longer-term impacts of the result will be the relatively good showing of the Welsh Conservative Party. With its eleven seats and 20 per cent of the vote it is now firmly established as a party of pro-devolution party in the Assembly and a potential future coalition partner. Its future participation in government will be strengthened if it emphasises the social democratic side of its personality, rather than its harder edged, more anglicised dimension.

With Labour in the ascendant the Liberal Democrats did well to hold on to their position, performing especially well in places such as Cardiff Central and Ceredigion. However, they will miss the gloss that coalition government gave them in the first term when, as now seems inevitable, Labour forms the next Assembly Government alone. In these circumstances the Welsh Liberal Democrats will struggle to carve out a distinctive role.

As for Welsh Labour, they now have to deliver their 'ten pledges' (see the Policy Development Section) and trust that the inevitable slings and arrows of fortune continue to treat them kindly. This will be in a political environment that can hardly continue to be so benign as in the first term, when the Assembly Government was held afloat on the British Treasury's ever rising tide of public expenditure.

Table 6: May 2003 Assembly Election Constituency Results

Constituency	Name	Party	Majority
Aberavon	Brian Gibbons	Labour	7,813 (41.66%)
Alyn and Deeside	Carl Sergeant	Labour	3,503 (23.25%)
Blaenau Gwent	Peter Law	Labour	11,736 (59.36%)
Brecon and Radnor	Kirsty Williams	Liberal Democrat	5,308 (19.77%)
Bridgend	Carwyn Jones	Labour	2,421 (10.93%)
Caernarfon	Alun Ffred Jones	Plaid Cymru	5,905 (27.8%)
Caerphilly	Jeff Cuthbert	Labour	4,974 (19.59%)
Cardiff Central	Jenny Randerson	Liberal Democrat	7,156 (34.74%)
Cardiff North	Sue Essex	Labour	540 (1.95%)
Cardiff South and Penarth	Lorraine Barrett	Labour	4,114 (20.45%)
Cardiff West	Rhodri Morgan	Labour	6,837 (33.02%)
Carmarthen East and Dinefwr	Rhodri Glyn Thomas	Plaid Cymru	4,614 (17.24%)
Carmarthen West and South Pembrokeshire	Christine Gwyther	Labour	515 (2.20%)
Ceredigion	Elin Jones	Plaid Cymru	4,618 (17.82%)
Clwyd South	Karen Sinclair	Labour	2,891 (15.49%)

Clwyd West	Alun Pugh	Labour	436 (1.97%)
Conwy	Denise Idris Jones	Labour	72 (0.34%)
Cynon Valley	Christine Chapman	Labour	7,117 (42.70%)
Delyn	Sandy Mewies	Labour	1,624 (9.62%)
Gower	Edwina Hart	Labour	5,688 (24%)
Islwyn	Irene James	Labour	7,320 (35.73%)
Llanelli	Catherine Thomas	Labour	21 (0.09%)
Meirionnydd Nant Conwy	Dafydd Elis Thomas	Plaid Cymru	5,826 (38.35%)
Merthyr Tydfil and Rhymney	Huw Lewis	Labour	8,160 (44.29%)
Monmouth	David Davies	Monmouth	8,510 (30.62%)
Montgomeryshire	Mick Bates	Liberal Democrat	2,297 (11.79%)
Neath	Gwenda Thomas	Labour	4,946 (22.29%)
Newport East	John Griffiths	Labour	3,464 (20.27%)
Newport West	Rosemary Butler	Labour	3,752 (17.51%)
Ogmore	Janice Gregory	Labour	6,504 (38.82%)
Pontypridd	Jane Davidson	Labour	6,920 (28.36%)
Preseli Pembrokeshire	Tamsin Dunwoody-Kneafsey	Labour	1,326 (5.81%)
Rhondda	Leighton Andrews	Labour	7,954 (34.58%)
Swansea East	Val Lloyd	Labour	3,997 (22.96%)
Swansea West	Andrew Davies	Labour	2,562 (13.20%)
Torfaen	Lynne Neagle	Labour	6,964 (35.61%)
Vale of Clwyd	Ann Jones	Labour	2,769 (15.48%)
Vale of Glamorgan	Jane Hutt	Labour	2,653 (9.53%)
Wrexham	John Marek	John Marek Independence Party	973 (5.60%)
Ynys Mon	Ieuan Wyn Jones	Plaid Cymru	2,255 (8.94%)

Table 7 : May 2003 Regional List Election Results

Mid and West Wales Conservative gain 1 from Labour	Nick Bourne	Conservative
	Glyn Davies	Conservative
	Lisa Francis	Conservative
	Helen Mary Jones	Plaid Cymru
North Wales No change	Brynle Williams	Conservative
	Mark Isherwood	Conservative
	Janet Ryder	Plaid Cymru
	Eleanor Burnham	Liberal Democrat
South Wales Central No change	Jonathan Morgan	Conservative
	David Melding	Conservative
	Leanne Woods	Plaid Cymru
	Owen John Thomas	Plaid Cymru
South Wales East Conservative gain 1 from	Jocelyn Davies	Plaid Cymru
	William Graham	Conservatives

Plaid Cymru	Laura Anne Jones	Conservatives
	Michael German	Liberal Democrats
South Wales West	Dai Lloyd	Plaid Cymru
	Janet Davies	Plaid Cymru
	Alun Cairns	Conservatives
No change	Peter Black	Liberal Democrats

Wales First on Women

The elections brought about a record-breaking feat for the National Assembly with Wales becoming the first legislative body in the world to be made up of equal numbers of men and women. This achievement was praised by all the party leaders, led by Rhodri Morgan in the first plenary session of the new term. He said:

“We understand that it is the only legislature in the world that is perfectly balanced between men and women. We should note that. It is a message that should ring around the world. We are proud of that fact, we have every right to be proud of it, and the people of Wales have every right to be proud of having set that new world record. I hope that we will not be the only legislature that is perfectly balanced between men and women in four years’ time, when we next face the electorate.”¹⁵

Plaid Cymru Leadership

Within days of the election Plaid Cymru’s setbacks plunged the party into a leadership crisis. Initially Ieuan Wyn Jones insisted he would remain in office, at least until his current term as President came to an end in September 2004. In the wake of the first meeting of the party Group in the Assembly, on the Tuesday following the election, an aide told the Press Association that his leadership had won unanimous support.¹⁶ However, this was immediately denied by the Group’s head of communications, Emyr Williams, who said the leadership issue had not been discussed.¹⁷

The evening of the following day a group of Plaid AMs met at the home of Helen Mary Jones, the new Plaid list member for Mid and West Wales to discuss the party’s defeat. Present were Dr Dai Lloyd, list member for South West Wales and chairman of the Group, Janet Davies, list member for South West Wales, and Janet Ryder, list member for north Wales. The following morning Dai Lloyd met with Ieuan Wyn Jones and told him there was questioning about his leadership and the way the campaign had been run. At least two other AMs – Ceredigion member Elin Jones, and

¹⁵ *Assembly Record*, 7 May 2003

¹⁶ Press Association report, 6 May 2003.

¹⁷ *Western Mail*, 7 May 2003.

the new member for Caernarfon Alun Ffred Jones - had by now joined those who were doubtful about the leadership. Later that day Ieuan Wyn Jones announced his resignation, declaring that without the backing of the majority of the group in the Assembly he could not continue.

In an article in the *Western Mail* that day Dafydd Wigley, the former Caernarfon AM and Ieuan Wyn Jones's predecessor as President, voiced the concerns of many in the party about the style of the campaign Plaid Cymru had fought and the messages it had relayed. With local and European elections forthcoming in 2004 he said the party could not let matters drift:

“It seems that disillusion with the National Assembly may have hit Plaid members even harder than others. Plaid supporters may have had greater expectation, with a consequently greater disillusion. If so, this is really ironic – since the Assembly represents the Labour model of devolution, not the far more radical package, favoured by Plaid. There is a further irony. Plaid played down the constitutional arguments, putting more emphasis on being able to run the present system better than Labour. Yet opinion polls showed significant public support for the Assembly to be developed into a Scottish-style Parliament. Instead, Plaid put much emphasis on the policy areas indicated by focus groups as being of greater significance to the electorate. The party consequently campaigned on the NHS. While the NHS was clearly the most important subject to focus groups, this did not indicate that Plaid's policies for the NHS were known to them. In any case, it may be that the public don't identify the NHS as 'a Plaid issue'.”¹⁸

He said that the party's failure to win Conwy, Llanelli and Carmarthen-Pembroke by a hair's breadth suggested that luck had failed the party, but added it was facile to write it all down to luck:

“Where does all this leave the party and Ieuan Wyn Jones as its leader. Clearly his hand would be stronger if he enjoyed the presence of his friend and mentor, Lord Elis Thomas, fighting by his side in the Assembly.”¹⁹

A meeting of Plaid Cymru's executive the following weekend established the timetable for a leadership election. Nominations for the Presidency would be received up to 4 July. A postal ballot would be conducted during August and the result announced at the party's annual conference in September. As this report went to press the party's vice-president Dafydd Iwan had announced his candidature, along with former Mid and West Wales AM Cynog Dafis. Former South-East Wales AM Phil Williams, and Meirionnydd Nant Conwy MP Elfyn Llwyd were also being mentioned as possible candidates. This list suggests that there will be need to be a further election for leader of the group in the Assembly itself.

¹⁸ Dafydd Wigley, 'Why Wales didn't come to the party', *Western Mail*, 8 May 2003.

¹⁹ *Ibid.*

Election of the Presiding and Deputy Officers

The first meeting of the National Assembly, held on 7 May, saw the unanimous re-election of Dafydd Elis-Thomas in to the post of Presiding Officer. The election for Deputy Presiding Officer went to a secret ballot after both Peter Law (Labour, Blaenau Gwent) and John Marek (Independent, Wrexham) were nominated. Peter Law nominated himself and was seconded by Jocelyn Davies of Plaid Cymru. The Conservative list AM William Graham nominated John Marek who then seconded himself, to some amusement in the chamber since Labour did not wish to be seen doing so. However, in the vote Marek undoubtedly received a large number of Labour votes since the party did not wish one of its own members to occupy the position and thereby dilute its majority. In the event John Marek won by 30 votes to 29. Afterwards Peter Law commented:

“It is quite extraordinary that not a single member of the Labour Group has told me they were voting for me. I may have got a few votes from them, but in the main it seems the Labour Group voted for John Marek – who only a few days ago stood against and beat the official party candidate in Wrexham.”²⁰

David Melding (Conservative, South Wales Central) had indicated that he was mindful to stand for the Deputy Presiding Officer post. However, this was vetoed by the Conservative leader, Nick Bourne, who was unprepared to reduce the numbers of the Conservative Group.

Shadow Portfolios

In the wake of the appointment of the new Cabinet the Opposition parties announced their shadow appointments. The disposition of portfolios varied, largely according to the size of the Group and a concern that each member should have a role – with one notable exception. David Melding, the Conservative AM for South Wales Central who had been health spokesman during the first term, announced that he would not be taking a front bench role to enable him to press the case for primary law-making powers for the Assembly and a federal UK:

“I have spoken out on this but I have not been able to pursue it with any persistence. But there is a very coherent, centre-right argument for a federal Britain with primary law-making powers for the Welsh Assembly.”²¹

Table 8: Plaid Cymru Shadow Appointments

Leader	Ieuan Wyn Jones
Assembly Business	Jocelyn Davies

²⁰ *Western Mail*, 8 May 2003.

²¹ *Western Mail*, 14 May 2003.

Economic Development and Transport	Elin Jones
Environment, Planning and Countryside	Rhodri Glyn Thomas
Education	Helen Mary Jones
Health and Social Care	Dai Lloyd
Finance	Alun Ffred Jones
Local Government and Public Services	Janet Ryder
Social Justice and Regeneration	Leanne Wood
Culture, Sport and the Languages of Wales	Owen John Thomas

Table 9: Welsh Conservatives Shadow Appointments

Leader	Nick Bourne
Economic Development and Transport	Alun Cairns
Education and Lifelong Learning	David Davies
Local Government, Environment and Planning	Glyn Davies
Welsh Language and Culture	Lisa Francis
Social Justice	William Graham
Finance	Mark Isherwood
Sport	Laura Jones
Health and Social Services, Assembly Business	Jonathan Morgan
Farming and Rural Development	Brynle Williams

Table 10: Welsh Liberal Democrats Shadow Appointments

Leader	Michael German
Economic Development, Transport and Finance	Jenny Randerson
Health, Social Services and Business Manager	Kirsty Williams
Education and Social Justice	Peter Black
Environment, Planning and the Countryside	Mick Bates
Culture, Sport and Welsh Language	Eleanor Burnham

State of the Nation Debate

In the first full debate of the National Assembly's second term of government Rhodri Morgan set out his vision for the next Assembly term:

“Over the coming four years, we will turn the vision of a healthier, wealthier and smarter Wales into reality. The foundations were laid in the last Assembly, and we will now carry the work forward with the endorsement of the people of Wales.”²²

His administration would “continue to expand economic prosperity across Wales.” Further, “the main theme of this new administration will now be that of anti-poverty and anti-inequality action”. Rhodri Morgan took the opportunity, once again, to market Edwina Hart’s new cabinet post of Social Justice Minister saying that she would be at the “cutting edge” of the Assembly Government’s activity. The First Minister highlighted his manifesto commitments of free prescriptions, breakfast and leisure centre access and committed the government to continue the “unparalleled investment in public services”.

His speech was attacked by all the Opposition parties for its lack of detail and being a rehash of the Labour manifesto rather than a programme for government with explanations on how it would implement its policies. Plaid Cymru leader Ieuan Wyn Jones said they had

“... expected the Government to outline in detail how it hoped to see Wales developing during the next four years and the future of the Assembly and its powers. We expected a framework that we could examine so that the Opposition parties could hold the Government to account and challenge and support it when appropriate. Unfortunately, the Government did not give us such a vision.”²³

Nick Bourne, leader of the Welsh Conservatives, attacked the First Minister for “complacency”:

“Labour talks of social justice, prosperity and well-being but has delivered rising student debts, longer hospital waiting lists and declining relative prosperity. The rhetoric continues, but the reality is failure.”²⁴

The Welsh Liberal Democrat leader also questioned the lack of detail:

“In the United States, the debate on the state of the nation is an opportunity for the President to state the priorities of his Government. In the United Kingdom, a debate on the Queen’s Speech follows the election of the Government, when the Government’s priorities in the legislative time allocated are clearly stated. There is no reason why we should not have a similar programme of government before us today in Wales. It is not good enough to do nothing more than provide a link to the Labour Party’s website. This Government is lazy.”²⁵

²² *Assembly Record*, 20 May 2003.

²³ *Ibid.*

²⁴ *Ibid.*

²⁵ *Ibid.*

The effectiveness of Labour's majority was displayed by the amendment votes, of which five out of the seven fell by 29 votes to 26, while the motion to accept Labour's programme for government was carried by three votes.

Subject Committee Chairs

The panel of chairs from which the chairs of the Subject Committees are selected, was elected in plenary and shown in Table 11. As this report was being published there were indications that Labour was pressing for the Subject Committees to meet once a month, rather than at fortnightly intervals, as was the case during the first term. According to a *Western Mail* report Opposition representatives at a meeting of the Panel of Chairs were informed of this plan at a behind-closed-doors meeting towards the end of May.²⁶ These meetings are normally confidential. However, the proposal was so controversial amongst the Opposition parties that it was promptly leaked to the press.

Table 11: Subject Committee Chairs

Christine Gwyther (Labour, Carmarthen West and Pembroke)	Economic Development
Janice Gregory (Labour, Ogmore)	Social Justice
Anne Jones (Labour, Clwyd South)	Local Government
Rosemary Butler (Labour, Newport West)	Culture
Alun Ffred Jones (Plaid Cymru, Caernarfon)	Environment, Planning and Countryside
David Melding (Conservative, South Wales Central)	Health and Social Services
Peter Black (Liberal Democrat, South West Wales)	Education

The election of the members and chairs to the Assembly committees was tabled for the plenary session on 20 May. However, despite vocal opposition from both the Liberal Democrat and Conservative Business spokespeople, Business Minister Karen Sinclair announced that the elections to the committees would not be held until the 3 June 2003. Jonathon Morgan, the Conservative spokesman for Assembly business said:

“It looks somewhat ridiculous that the National Assembly for Wales cannot elect the Members of its Subject Committees within a suitable timeframe ... The people of Wales, and the variety of organisations that depend upon the work of the Subject Committees, will be dismayed and astonished that we are not in a position to elect those Members this afternoon.”²⁷

²⁶ *Western Mail*, 22 May 2003.

²⁷ *Assembly Record*, 20 May 2003.

His Liberal Democrat counterpart, Kirsty Williams, agreed, saying:

“I have always strongly believed that it is the National Assembly’s Committees that have carried out some of its best and most important work. It is unacceptable that Committees will not meet until the first week of June, at the earliest.... We must move hastily to rectify the situation.”²⁸

The Plaid business spokeswoman, Jocelyn Davies did not however support the objection brought forward by Jonathon Morgan because the Business Committee met for the first time that morning, so members did not know before then how many Members would be sitting on each Subject Committee. Therefore, in her opinion it was impossible to propose Committee membership in plenary that day. Although Karen Sinclair agreed the need for the committees to be in place as soon as possible she said:

“I had hoped that we would be able to elect Members to Assembly Committees today, but that is not the case. I hope that we will be able to table the motion immediately after the recess.”²⁹

Richard Commission

The Welsh Labour Party has decided against providing the Richard Commission with a view on whether the National Assembly should have more powers. A consultation document circulated to Welsh Labour branches and affiliated organisations invites them to respond to the party’s head office in Cardiff by 1 July. A submission based on the responses will then be made to the Richard Commission by 15 July. However, the consultation document says:

“Our response will not set out our views on future changes to the devolved settlement. As the governing party at both Westminster and the Assembly it is right that we respond to the Richard Commission’s final report, not prejudice them by forming a view in advance.”³⁰

Once the Richard Commission reports, toward the end of 2003 or early in 2004, a further consultation will take place, resulting in recommendations to be made to Welsh Labour’s 2004 Spring conference.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ Reported in the *Western Mail*, 16 May 2003.

3. POLICY DEVELOPMENT

Jessica Mugaseth, IWA

Manifestos Struggle For Elbow Room

The priorities for all the party manifestos in the May 2003 election were all very similar in content, concentrating on health, education and the economy. In particular the centre left parties - Welsh Labour, the Welsh Liberal Democrats and Plaid Cymru - all pledged increased public spending in these key policy areas. Their common objective was to improve public services to make Wales a safe, healthy and economically active place to live.

The Labour party concentrated on highlighting its achievements during the first term, in four years since 1999. Despite the ten election pledges, summarised in Table 11, the manifesto didn't really propose anything revolutionary, preferring to emphasise a continuation of policies.

Table 12: Welsh Labour's Top Ten Election Pledges

- | |
|---|
| <ul style="list-style-type: none">• Abolition of prescription charges, costing £30 million. No-one to wait more than 24 hours to see a GP or other primary care team specialist. £550 million to modernise GP surgeries and hospitals. Two new clinical training schools for doctors, one in south east Wales and one in north Wales.• Free breakfast for primary school children, costing £16 million. £560 million to improve school buildings. Extend the 20 mph zone and safe routes to schools schemes• No top-up fees at Welsh Universities for the next four years.• Scrapping of home care charges for disabled people, costing £12 million.• Creation of £100 million crime fighting fund.• Continue the scheme of free bus travel for over 60s and disabled people, and provision of half-price travel for 16-18 year olds, costing £33 million.• Broadband internet access to be made available to 67,000 extra businesses in Wales. £25m for innovation grants to boost new-technology businesses plus establishing a knowledge bank for entrepreneurs.• Trunk road improvements worth £175 million, including dualling of the Heads of the Valleys road.• Commissioner for Older People and free access to swimming pools for over 60s.• A target of 25 per cent of all waste to be recycled. |
|---|

The Liberal Democrats were keen to emphasise their contribution as members of the coalition as proof of their policies being realistic and manageable, proud of the fact they made over 300 pledges. They were also notably the only party to cost their manifesto. Plaid Cymru refrained from setting targets or committing to headline-catching initiatives, preferring to outline its proposals to overhaul the public services of Wales. In contrast the Conservatives made a number of unrealisable commitments,

since they were beyond the current powers of the Assembly, including policies on non-devolved and controversial issues such as asylum seekers.

Health

On health, the parties were split between the Welsh Conservatives and the rest. Labour, Plaid and the Liberals all called for more staff and more services free at the point of use ranging from free dental treatment and prescriptions to eye tests for all. However, the Conservatives took a different perspective, pledging to diminish the role of the Assembly Government in hospital affairs and concentrating on improving performance through competition. In fact the Conservatives advocated the New Labour policy of establishing foundation hospitals funded through public-private partnerships to encourage competition. They also proposed establishing an all Wales health organisation to monitor the hospitals, therefore effectively taking the politicians out of day to day management of the service. All the other parties were keen to highlight the extra investment from the public purse they would make to improve services.

Following the failure of the Labour party to deliver its 1999 commitments on reducing waiting lists, it was no surprise that only the Conservatives dared to publish detailed commitments on waiting times although Labour pledged that no-one will wait more than 24 hours to see a member of primary care team.

All but one of the parties, Plaid Cymru, laid down targets for themselves in the amount of extra staff they would recruit. Plaid preferred to focus on the actual structure and long term commitments to overhauling the NHS and the benefits that that would bring to Wales. Their National Capacity Plan would provide short, medium and long term goals for more doctors, nurses, dentists and other health professionals as well as more beds. As part of their long term strategy Plaid also promised a package to encourage GPs to stay in deprived areas.

All the parties recognised the relationship between a good diet, increased exercise and improving health. The Liberal Democrats pledged free fruit for four to seven years olds; Plaid pledged free access to swimming pools and leisure centres for the young and disadvantaged; while Labour promised the headline grabbing free breakfasts for all primary school children. The Conservatives were the only party to resist such vote-grabbing policies.

Education

After health, education was the second priority for all the parties. All save the Conservatives, acknowledged the importance of continuing the development of Early Years initiatives with Labour pledging to introduce a new curriculum for three to seven year olds.

In line with its commitment to overhaul the public services Plaid Cymru pledged to begin a consultation on a National Curriculum for Wales as well reducing bureaucracy for teachers and boosting Welsh medium education, something the Liberal Democrats claim they would do by establishing a National Centre for Welsh Medium Education.

Tuition fees were a recurrent issue in all the manifestos. Labour ruled out the introduction of top-up fees for universities for the next Assembly term, while Plaid and the Liberal Democrats pledged their complete abolition in Wales. The Conservatives along with the other opposition parties, called for powers on tuition fees to be devolved to the Assembly.

In terms of manifesto commitments in education, Labour's main policy was one of continuation of developing the consultations and pilot projects already in place, the early years centres, the Welsh Baccalaureate and the discussions over top-up fees. Plaid had a more radical notion of developing a National Curriculum for Wales whereas the Conservatives and Liberal Democrats both pledged to introduce three year budgets for schools to enable them plan for the future.

As with the health policy, the Welsh Conservative ideas on education were remarkably similar to those of Blair's Labour party in London. The Conservatives advocated the use of private finance for school building. This is a New Labour policy which Rhodri Morgan from which has distanced himself Labour's manifesto claims that the party would invest £560 million in school buildings. The Conservatives also pledged to encourage both faith and specialist schools, another New Labour policy not followed by Welsh Labour.

Economy

All the manifestos aimed to encourage growth in the economy, wanting more jobs, more research and development and improved broadband infrastructure. There was broad agreement between Liberal Democrats and Plaid Cymru on the need for a more targeted approach to regional economic policy across Wales. Plaid's National Economic Development strategy divides Wales in to seven regions each with its own strategy, with key priorities in infrastructure, communications and community regeneration to create new jobs, encourage investment and innovation in to each region.

The Conservatives' focused on businesses and how it can benefit them, including introducing tax breaks in Objective One areas to encourage investment, limiting business rates to inflation or less and reducing business rates levied on rural shops, post offices and village pubs. They were also committed to reducing the amount of unnecessary red tape that affects business in Wales. The Liberal Democrats concentrated on the key themes of Innovation, enterprise and internationalisation with a specific focus on developing R&D for Wales.

Labour's manifesto commitments for business concentrated on highlighting existing programmes such as the creation of Finance Wales and the broadband Wales project. One departure was its innovative idea for creating a 'Knowledge Bank' for entrepreneurs.

Other Manifesto Policies

All the parties committed to developing the arts in Wales, calling for some form of National Museum of Modern Art and a need to develop a network of museums and galleries across Wales. All recognised the importance that sport plays in developing communities. Transport policy was also a key theme, with all the parties calling for a development in air transport and increased participation for the Assembly in developing an integrated railway infrastructure.

The Liberal Democrats pledged to tackle hardship and poverty in Wales with a £125 million budget increase led by a new Minister for Social Justice. The Conservatives campaigned hard on their pledge to stop the building of the new National Assembly building, with the money saved to be invested in public services, notably a children's hospital.

The Liberal Democrats took full advantage of their contribution in first term partnership government. The Conservatives generally adopted Blairite approach especially in health and education, while remaining distinctly unionist in their vision for the future of the Assembly. An overhaul of services was Plaid's main answer to Wales' political, economic and social problems. On the other hand Labour largely opted for a continuation of its existing policies. Generally speaking, however, the manifestos of all the parties shared more in common than distinguishing features (See Table 12).

Table 13: Manifesto Commitments Compared

POLICY	Labour	Plaid	Lib Dems	Conservatives
HEALTH Waiting times	See frontline care within 24 hours			Start from GP referral time, 6 months max. max time for cardiac treatment to be 3 months
Staffing	3,010 more nurses, 410 doctors by 2007		8,000 more frontline staff by 2010	00 more doctors, 4000 nurses 1300 therapists

Structure		National Capacity Plan for NHS setting goals for more doctors, nurses and beds		Foundation hospitals monitored by an all Wales Health Organisation
Elderly	Commissioner for Old people. Free access to local authority swimming pools	Seek to implement the recommendations of Royal Commission on long term care of the elderly	Free personal care for elderly	
EDUCATION				
Devolve powers to determine policy on tuition fees	Rule out top up fees in welsh universities	√	√	√
Welsh Baccalaureate	Extend the baccalaureate to intermediate and foundation stages	Develop a more comprehensive and distinctive baccalaureate curriculum	Extend to 14-16 year olds with an appropriate balance of activities between work experience and classroom attendance	Scrap it
Key stage 2 and 3 tests	Review the need for such tests	Abolish	Review case for abolition of Key stage 2	Retain and Reform
Improve FE and HE recruitment, retention, working		√	√	
Increase no-contact time for teachers			√	√
Tackle problems faced by small and rural schools	√	√	√	√
Develop comprehensive schools as community resources	√	√		
ECONOMY Jobs	Create 135,000 by 2010. New opportunities for over 50s, lone parents the disabled and ethnic minorities			

Broadband	67,000 extra businesses and 310,000 homes will have access by 2007	Priority target of service available to 90% of population by 2008	Aggregate public sector infrastructure demand and stimulate provision for broadband infrastructure	Combine public sector usage to aggregate demand, use public sector network to reduce connection and running cost for business. Wireless broadband network
Objective 1		Simplify objective 1 structures and paperwork	Simplify match funding arrangements for structural fund applications	Streamline process. Tax credits to businesses investing in areas
Research and Development	Encourage innovation through a single innovation grant scheme worth over £25m over three years	Create a new R&D centre	Tax credit for R&D or R&D additional regional supplements	Tax credits to companies conducting R&D. reduce cost of r&d for indigenous firms
Reopening Ebbw Vale-Cardiff-Newport Line	√	√	√	√
Stronger voice for Wales on Railways		Transfer responsibility and resources for the railways to the Assembly	Representative on SRA	Representative on SRA
National Transport information Centre	√	√	√	
improvements to A470		√	√	√
Air Strategy within Wales	Explore feasibility of a public service obligation for a north/south air service	Develop an air transport strategy. Transfer powers for airports and air service development	Welsh Passenger Transport Authority with four regional divisions covering trains, buses, ferry and air transport, to promote	Implement a strategy to promote air travel in Wales
Improve access to Cardiff airport	Provide best possible access to a strengthened Wales International airport in Cardiff	Encourage expansion of CIA terminal services and air services to major European cities	Regular rail link between Cardiff city centre and Airport	Modern access road to CIA. Scheduled air link to Brussels

CULTURE	National Gallery of welsh art and a National Digital gallery	National Gallery for the visual arts	Welsh National Gallery of modern art	National art gallery
YOUNG PEOPLE	Develop a scheme for half price bus travel for 16-18 year olds Free swimming for school children	Extend free bus travel for those under 18 and in FT education Establish a Department of Education and Young People's services	Votes at 16 for local government elections Free entry to welsh council sports facilities for under 16 and students in FE and HE	Children's hospital instead of Assembly building
ASSEMBLY	Consider recommendations of Richard Commission	National Convention with aim of a law making Parliament by 2007	Welsh Senedd with primary legislative and tax raising powers.	Legally divide executive and legislature
WELSH LANGUAGE	Further £27m investment. Introduce Language Action Plans to promote welsh as a living, working language	Creation of a bilingual Wales	Integrated in all sectors of manifesto	Ensure resources are spent on the most effective means to promote bilingualism and not wasted on unnecessary translation costs

4. THE LEGISLATIVE PROCESS

Sarah Beasley, Cardiff Law School

Bills Conferring Functions on the National Assembly

The Public Audit (Wales) Bill

Following a commitment from central government to produce more of its Bills in draft form before formally introducing them into Parliament, this is the second piece of Wales-specific legislation to go through this process of pre-legislative scrutiny and public consultation.

Part 1 of the Bill amends, and adds new sections to, the Government of Wales Act 1998. It confers a number of new functions on the Auditor General for Wales (an office established under section 90 of the Act), the most significant of which enables the Auditor General to exercise, in Wales, most of the functions currently exercised by the Audit Commission for Local Authorities and the National Health Service in England and Wales. There will be a single public audit body for Wales called the Wales Audit Office, headed by the Auditor General, who will have responsibility for the financial and performance audit of the National Assembly, its sponsored bodies and a number of health, local government and other publicly funded bodies.

The explanatory notes accompanying the draft Bill assert that the Bill contains provisions that safeguard the constitutional independence and democratic accountability of local government. Provisions to note particularly are:

4. Clause 1: enables the National Assembly, with the consent of the Auditor General, to transfer, by order, any supervisory functions in respect of a public body to the Auditor General or to provide for the exercise of such a function to be carried out by the Auditor General on behalf of the Assembly.
5. Clause 11: enhances the statutory powers of the Auditor General in relation to access to documents and information relating to the use of public money by bodies within his or her audit remit
6. Clause 59: enables the National Assembly, with the consent of the Secretary of State, to add public bodies to the remit of the Wales Audit Office, or to alter their description.

There are several points to note here: firstly, that unlike the Secretary of State, the Assembly will not be empowered to remove bodies from the remit of the Audit Office. The explanatory notes comment that such a power to narrow the purview of the Auditor General could potentially be used either to save money or to avoid unwelcome reports into certain bodies.

Secondly, any consultation by the Assembly on the proposed exercise of the order making power in clause 59 would be entirely discretionary.

The main scrutiny of the Bill is to be undertaken by the Welsh Affairs Committee on behalf of Parliament. It is likely that the Committee will hold one or two oral evidence sessions in June and aims to report on the draft Bill early in July. Scrutiny in the National Assembly for Wales will be undertaken by an ad-hoc Committee. Time will also be made available in plenary for the Assembly as a whole to debate the draft Bill. The Welsh Grand Committee will also meet to discuss the draft Bill and the report of the Welsh Affairs Committee, if it is available. This is due to take place in mid July 2003.

The Anti-Social Behaviour Bill:

The Bill is designed to ensure that the police have the appropriate powers to deal with serious anti-social behaviour. It also provides powers for local authorities and those working with them to tackle anti-social behaviour in local communities.

Clause 17 of the Bill deals specifically with Wales. It amends schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) to ensure that all functions of the Secretary of State in:

- (a) the Housing Act 1985 (c. 68);
- (b) the Housing Act 1988;
- (c) the Housing Act 1996 (c. 52)

are, so far as exercisable in relation to Wales, to be carried out by the National Assembly. It should also be noted that under the Bill, the following measures will be commenced separately by the National Assembly for Wales:

- Housing (Clauses 12 to 17)
- Parenting contracts and orders related to truancy and exclusion from school (Clauses 18 to 21)
- Noisy Closure (Clauses 45 and 46)
- Night noise (Clause 47)
- Penalty notices in respect of graffiti and fly-posting (Clauses 48 to 53)
- Waste and litter (Clauses 55 and 56)

Clauses 22 and 23 (penalty notices for parents in cases of truancy) do not apply to Wales unless the National Assembly for Wales makes an order amending the Education Act 1996 (as amended by this clause).

The Health and Social Care (Community Health and Standards) Bill:

This Bill gives effect to central government proposals to create NHS foundation trusts and to establish an independent healthcare regulator and an equivalent for social care. Of particular interest to Wales is Part 2 of the Bill, which deals with matters relating to the quality of standards. In particular, it establishes the new health care and social care inspectorates, both of which will be executive, non-departmental public bodies.

Whilst the Commission for Healthcare Audit and Inspection will be an England and Wales body, the reviews and investigations of health care provided by NHS bodies in Wales will be the responsibility of the Assembly. However, the Commission for Social Care Inspection (CSCI) will be an England only body. The Bill does, however, confer social care functions, similar to those of the CSCI, on the National Assembly for Wales.

Community Care (Delayed Discharges) Act 2003

This Act received Royal Assent on 8 April 2003. All parts of the Act affect the powers of the National Assembly for Wales. Part 1 relates to delayed discharge payments. It empowers the National Assembly to make regulations for cases where both the local authority and NHS body involved in a case of delayed discharge are located in Wales. In cases involving an English local authority and a Welsh NHS body, or a Welsh local authority and an English NHS body, the power to make regulations is given jointly to the Secretary of State and the Assembly.

Part 2 of the Act deals with local authority community care services. Here, the power to make regulations relating to local authorities in Wales rests with the National Assembly. Of particular note is section 16, giving the Assembly discretion over which care services or services to carers are to be provided free of charge.³¹

The commencement provisions in the Act are also worth noting. Section 20(2) confers a power to commence Part 1 of the Act. Although it authorises this Part to be commenced in relation to England and Wales at separate times, the expectation in the Explanatory Notes is that Part 1 will commence in England only in the first instance. The remainder of the Act comes into force in England and Wales on Royal Assent.

Debate on Future Primary Legislation Bids

Standing Order 31 provides for three (or more) Assembly Members or a Minister to table a motion calling on the UK Government to bring forward primary legislation on matters specified in the motion. The Assembly can then consider the proposed motion, and if approved, its terms can be communicated to the Secretary of State for Wales.

On 22 January 2003, the Assembly adopted a proposal from four Members for a Bill which would enable the Assembly to prohibit smoking in public places. This was the first occasion that Assembly Members had made use of this procedure. The Assembly Government's proposals for primary legislation set out below are in addition to that initiative:

³¹ Subject to the general constraints imposed by section 15 of the Act.

Education (Miscellaneous Provisions) (Wales) Bill

The Bill would enable the Higher Education Funding Council Wales (HEFCW) and the National Council of ELWa to act jointly and on each other's behalf and provide for the HEFCW to exercise planning functions as a last resort.

The Bill would enable the Assembly to provide for limits to be placed on junior class sizes similar to those in existence for infant classes. It would also allow the Assembly to require FE institutions to produce and publish annual statements on governance and management. There would, however, be financial implications for the Assembly, the most significant of which would be funding to reduce junior class sizes.

Public Services Ombudsman (Wales) Bill

The Bill would create a new single Ombudsman's jurisdiction for Wales, incorporating the existing three Ombudsmen posts (Local Government Commissioner, Health Service Commissioner and Welsh Administration Ombudsman) into one. This would enable the post-holder to investigate complaints of maladministration against any of a wide range of public bodies in Wales, including the Assembly, ASPBs, health service bodies and local authorities. The existing Ombudsmen's powers of investigation and report would, subject to further consultation, be carried over into the new Public Services Ombudsman's jurisdiction.

The Assembly currently finances all three existing Ombudsmen's offices either directly or via the Local Government Finance Settlement. The Assembly Government, in its proposals, assert that the creation of a single Ombudsman's jurisdiction should have no financial impact on the Assembly.

Tourism Accommodation (Registration) (Wales) Bill

This Bill would, by amending or repealing part or all of section 17 of the Development of Tourism Act 1969, create a new enabling power for the National Assembly to establish a tourist accommodation registration scheme in Wales. It would also include the power to make subordinate legislation setting out the basis upon which accommodation is to be registered. Accommodation registered under the scheme would be subject to periodic inspection. The registration and inspection arrangements would be designed to ensure that minimum standards in the provision of tourist accommodation are met and maintained.

The Assembly Government proposals state that a number of issues regarding the detail of how the scheme will operate are to be further considered by a joint Assembly Government/WTB working group, also involving the WLGA. These issues will include the role of local authorities and the WTB, as well as costs.

Transport (Wales) Bill

The powers sought in this Bill would enable the Assembly Government to develop and implement policies for the promotion and encouragement of safe, efficient and economic transport facilities. Equivalent powers are available to the Mayor of London under the Greater London Act 1999 whereby the Mayor prepares a transport strategy, and requires London Borough Councils and the Common Council to prepare local implementation plans for his approval and to implement them.

Other powers sought would enable the Assembly Government to establish joint authorities on the lines of Passenger Transport Authorities/Passenger Transport Executives (PTA/PTEs). These were originally established under the Transport Act 1968 and their role was changed under subsequent legislation but the powers to establish new ones have been repealed.

Finally, the Assembly Government is seeking powers, similar to those available to the Scottish Executive under the Transport Act 2000, to enable them to have powers of direction over the Strategic Rail Authority (SRA) in respect of the Wales and Borders franchise; and to enable the Assembly Government to appoint a member of the SRA. The motion was approved by a majority of Members on 12 March 2003.

Exercise of Delegated Authority During the Election Period

Unlike the Westminster model, there is no dissolution period for the National Assembly prior to an election. Instead, as in the recent elections on 1 May 2003, all Members ceased to hold office on the eve of poll, from midnight on 30 April 2003, until being officially returned for their constituency or region.

In view of the fact that there would be no Ministers, Presiding Officer or meeting of the Assembly during the election period, arrangements were made for the handling of Assembly business during the interregnum. A motion to amend Standing Order 22 and to temporarily insert a new Standing Order was approved by the Assembly in plenary on 1 April 2003.

The motion provided for a specifically time-limited revision to Standing Orders which would take effect on polling day and cease with the election of the new First Minister.

The amendment to Standing Order 22, which determines the procedure Assembly general subordinate legislation (orders) must follow when being made, allowed for the Permanent Secretary to become an officer authorised to sign Assembly subordinate legislation during an ordinary election period³². This is normally the function of the Presiding Officer (PO), the Deputy PO, or First Minister as provided for in section 66 of the Government of Wales Act. This revised Standing Order, however, allows for the Permanent Secretary to sign any orders which need to be made as a matter of urgency, providing that he has first determined the order

³² This is a period defined in Standing Orders as 'beginning with the date of the ordinary election and ending with the election of the First Minister following that ordinary election.'

necessary to be made during the ordinary election period for the proper discharge of Assembly functions.

Standing Order 22 also provides for the delegation of Ministerial functions³³ to the Permanent Secretary by ensuring that any references in the Standing Order to “the Cabinet” and “Minister” include a reference to the Permanent Secretary.

Provision was also made for the Permanent Secretary to lay before the Assembly, at the end of the ordinary election period, a statement detailing any orders made on behalf of the Assembly during that period and his reasons for making the orders. Such a statement ensures that Members are still able to exercise their right under Standing Order 22 to table a motion, within 40 working days of the statement being laid, instructing the Minister to consider revoking the order.

Along with the amended standing order were two temporary standing orders:

1. SO29A related to Assembly subordinate legislation other than Assembly orders³⁴ or Assembly subordinate legislation to which SO 23 (sections 1 or 2), or SO 25 apply³⁵. Again they relate only to the period of an ordinary election³⁶ and authorise the Permanent Secretary to prepare and make Assembly subordinate legislation, after first determining that such legislation is necessary for the proper discharge of the functions of the Assembly and notifying the relevant UK Minister or Department of his intended actions. He is again required to lay a statement before the Assembly detailing any legislation made during this period and the reasons for his determination. As with the amended Standing Order 22, this allows Members to table a revocation motion within 40 working days.
2. The second temporary Standing Order; SO29B, applied where the Assembly has the power to confirm, approve, agree or consent to subordinate legislation submitted to the Assembly by a Minister of the Crown. Again, the temporary standing order authorises the Permanent Secretary, during the ordinary election period, to either confirm, approve, agree to or give consent on behalf of the Assembly to any subordinate legislation submitted by a Minister of the Crown.

As with SO29A, the Permanent Secretary is required to lay a statement before the Assembly as soon as practicable after the ordinary election detailing any legislation made during that period.

³³ Under s63 of the Government of Wales Act 1998

³⁴ under SO 22

³⁵ SO 23 part 1: relates to subordinate legislation subject to relevant parliamentary procedural provision or which is made with or is subject to the approval of a UK Minister or Government Department

SO 23 part 2: relates to subordinate legislation which is subject to the consent of UK Minister or Government Department.

³⁶ As defined in standing orders.

5. RELATIONS WITH LOCAL GOVERNMENT

Alys Thomas, University of Glamorgan

Local Government and the Election

The National Assembly Election campaign brought a halt to the usual round of meetings and interface within the Assembly and between the Assembly and Local Government. All parties addressed themselves to local government issues in their manifestos.

Labour's manifesto reflected the ongoing relationship between the Assembly Government and Local Government with its focus on working '*with councils to improve services, according to clear goals and targets, together with improving the procurement of goods and services to promote local suppliers*'. It also undertook to encourage more joint working between authorities to improve the provision of services. Other commitments included encouraging councils to take advantage of new legislation allowing easier and more accessible voting, encouraging a new generation of council candidates who reflect the wide diversity in Welsh society, already being pushed by Assembly Government initiatives. However, it also committed Labour to retaining the existing system for council elections which could have proved difficult had Labour needed to enter into Coalition with the Liberal Democrats. (In Scotland the new Partnership Agreement between Labour and the Liberal Democrats contains a commitment to introducing proportional representation for local government elections.)

The Conservatives placed an emphasis on transparency and accessibility, granting Councils a bigger role in economic regeneration and social inclusion initiatives. They proposed a review of the office of the Local Government Commissioner so that Wales would have a powerful Ombudsman overseeing all public services and review of procedures to protect 'whistleblowers' who expose abusive practices. With regard to finance they suggested altering the formula for the RSG so that it is based on the likely cost of providing services and opposed the Labour Party's suggested Supplementary Business Rate and other schemes to increase business taxation. Regarding housing they proposed the extension of the 'Right to Buy' scheme to include Housing Association properties, encouraging the transfer of Council housing to landlords in the voluntary and independent sectors;

In contrast, Plaid Cymru called for the suspension of 'right to buy' in areas where there is a shortage of social housing. Its manifesto asserted its commitment to '*strong and powerful*' local government and a commitment to partnership between 'communities' and the Assembly. It also favoured the transfer of functions of a number of Assembly sponsored bodies to democratic control under local authorities, although it doubted the current capacity of local authorities to take that on. It promoted more co-operation between authorities on specific issues on a consensual basis.

The Liberal Democrats undertook to encourage the formation of community councils in areas where they currently do not exist and the establishment of area committees to help move the democratic process closer to local communities. They proposed direct grants from the Assembly for local projects such as building and repairing schools. They also proposed reforming the membership structure of National Park Authorities and making local authorities adopt a sustainable action plan as an essential component of each council's community plan. They would also require all local authorities to carry out a housing needs analysis against common criteria to ensure that local demand for housing is assessed, especially in Welsh speaking communities.

The Cardiff Campaign

Local Government issues also played a part in the campaign, especially in Cardiff where the Liberal Democrat literature focused on the personality of the Labour Lord Mayor, Russell Goodway highlighting 'Goodway's' council tax rise. Geoff Mungham, the losing Labour candidate in Cardiff Central to Liberal Democrat Jenny Randerson, cited the fall in Labour's vote across Cardiff, including in Rhodri Morgan's Cardiff West seat, to this factor. Rhodri Morgan's vote in Cardiff West fell by 4,000; Sue Essex's Cardiff North vote was down by 1,800, cutting her 1999 majority of 2,304 to only 503; while in Cardiff Central the Labour vote fell by 3,700.

Mungham argued that the Cardiff Council leader had become a liability and called for his departure. He said local issues, including councillor allowances and Russell Goodway holding the two jobs of leader and Lord Mayor of the council, combined with the council tax rise to make the Cardiff election as much a plebiscite on the Labour leader as an election for the Assembly:

“Local Government elections are less than a year away. Cardiff is the flagship local authority in Wales. The prospect of Labour losing control is a grim one, but a real prospect if the party goes into the next election led by Russell.”³⁷

WLGA Election Briefing

In its briefing to Assembly candidates the Welsh Local Government Association underlined the importance of personal relationships between local authority leaders and Assembly Ministers to the Assembly-Local Government interface:

“The relationship is further enhanced through regular meetings between the WLGA Leader and Minister for Finance and Local Government and other cabinet members and WLGA Spokespeople, for example in the areas of education, planning and environment, finance, health and social

³⁷ *Western Mail*, 17 May 2003.

affairs. Such ad hoc, individual relationships are complemented by the formal arrangements of the Partnership Council.”³⁸

While the personnel remain the same the shake up in Cabinet portfolios, with Sue Essex replacing Edwina Hart as the Minister responsible for local government may well bring a new dynamic to Assembly-Local Government arrangements as they evolved during the first term of the Assembly.

³⁸ WLGA Briefing for Assembly Candidates, *Partnership – Welsh local government and the Assembly*, 2003.

6. RELATIONS WITH WESTMINSTER AND WHITEHALL

Mark Lang, Welsh Governance Centre

Future of the Secretary of State for Wales

Fears that Tony Blair's anticipated Cabinet reshuffle later in the year will result in abolition of the Secretary of State for Wales prompted separate Commons motions being tabled by two Welsh MPs, one Labour and one Plaid Cymru. Cardiff West Labour MP Kevin Brennan tabled a Commons Early Day Motion in early May in support of the post. Brennan said:

“A reliable source – not in the Wales Office – has suggested to me that the Prime Minister is considering dropping the post of Secretary of State for Wales in the next government reshuffle, likely to take place in the summer. It could involve amalgamating the post with the Secretary of State for Scotland or doing that and tagging on the English regions too. Whatever you think about the merits of giving the Assembly primary law-making powers, that fact is that all such powers are currently held at Westminster. It does not make sense to get rid of the Secretary of State's role for as long as the Assembly is not responsible for primary legislation.”³⁹

The motion quickly secured the support of a significant number of MPs, including: Huw Irranca-Davies, Julie Morgan, Win Griffiths, Jon Owen Jones, Dai Havard, Hywel Francis, John Smith, Donald Anderson, Martyn Jones, Ian Lucas, Alan Howarth, Ann Cryer, Wayne David, Paul Flynn, Huw Edwards, Betty Williams, Kevin McNamara, and Albert Owen.

In May Plaid Cymru's parliamentary leader Elfyn Llwyd (Meirionnydd) tabled a further motion, calling on the Wales Office to shake up or risk being merged with the Scottish and Northern Ireland Offices. His move was prompted by the Wales Office's latest annual report. This revealed that though its budget had been increased by £1 million and extra staff had been taken on (to reach a complement of 55) only 27 per cent of enquiries were responded to in the target time of 20 days.⁴⁰ Mr Llwyd said:

“The annual report hardly boosts our confidence in the survival of the struggling Wales Office. Considering it is under such threat you would expect them to pull out all the stops to prove its ability, usefulness, and efficiency.”⁴¹

The Wales Office came in for further criticism when it announced it was moving its Cardiff base from within the National Assembly building in Cardiff Bay to a new suite of offices across the road. The new offices are more than 13 times the size of its present location. A spokesman for the Office disclosed that it cost £200,000 in

³⁹ *Western Mail*, 9 May 2003.

⁴⁰ Welsh Office, Departmental Report, May 2003.

⁴¹ *Western Mail*, 22 May 2003.

refurbishment and will cost £200,000 per year in running costs, compared to the £100,000 that it costs to occupy its share of the Assembly building at present. The spokesman added:

“Some time ago it became obvious that we needed more room for our staff. This coincided with a need on the part of the Assembly for more office space for committee clerks and support staff for AMs. The Wales Office agreed to help by finding alternative accommodation. It was never entirely satisfactory for the Wales Office to be in the same building as the Assembly: it could cause confusion.”⁴²

Welsh Affairs Committee Report on the Legislative Process

The Welsh Affairs Committee's fourth report on “The Primary Legislative Process as it affects Wales” was published at the end of March. It observed that since devolution, additional powers have been conferred on the National Assembly in a number of ways, which has made the scrutiny and monitoring a complex task. It concluded that greater consistency was needed and that in future where possible:

“... powers should be conferred directly by new legislation rather than by amendments to existing Acts or Orders”.⁴³

The Committee also concluded that in a further effort to improve clarity, Bills should have separate parts that set out the law as it affects Wales. Moreover, the Committee argued that:

“... the Government, at the appropriate time and by 2008 at the latest, [should] consolidate the powers of the National Assembly ... with the publication of register of the National Assembly's powers.”⁴⁴

Although the Report welcomed the introduction of a Wales Statement in the Explanatory Notes that accompany Bills, it recommended that:

“... the Government consult the National Assembly on legislation in any of the devolved fields even if the legislation has no direct impact on the National Assembly's powers.”⁴⁵

In addition, the Committee felt that formal joint working between Westminster and National Assembly Committees, although not currently possible, was desirable. To this end the Committee intends to submit proposals to the House of Commons Procedure Committee for the creation of formal joint meetings between House of Commons select committees and the National Assembly subject committees. The

⁴² *Western Mail*, 23 May 2003.

⁴³ Welsh Affairs Committee, *The Primary Legislative process as it Affects Wales*, para 12.

⁴⁴ *Ibid.*, para 24.

⁴⁵ *Ibid.*, para 35.

Committee will also be calling for an annual joint meeting on the legislative priorities for Wales between the Welsh Grand Committee and the National Assembly.

The Report also considered how best to scrutinise those Bills before Parliament that will have a significant impact on Wales, and concluded:

“We recommend that the Government, in the spirit of modernisation, consider committing a Wales Part of a substantial Bill to a separate Standing Committee.”⁴⁶

Finally, the Report recommended:

“The National Assembly has adopted the Rawlings Principles⁴⁷, as the framework for working with Westminster. Regardless of the merits of the Rawlings Principles we would expect the Government to take a view on them, and we recommend that the Government sets out its position on each of the principles, in its response to this report.”⁴⁸

⁴⁶ *Ibid.*, para 48.

⁴⁷ Recommended by Professor Richard Rawlings, of the LSE, in evidence to the National Assembly’s Procedural Review (published January 2002) as a framework for negotiating primary legislation between Westminster and Cardiff Bay.

⁴⁸ *Ibid.*, para 61..

7. RELATIONS WITH THE EUROPEAN UNION

Mark Lang, Welsh Governance Centre

New Head for European Commission's Office in Wales

The appointment of Janet Royall, a former aide to ex-Labour leader Neil Kinnock, as head of the European Commission office in Wales in May, prompted protests from Opposition AMs in the Assembly.

Ms Royall worked in Mr Kinnock's private office during the 1992 General Election, later joining him in a similar capacity in Brussels shortly after he left Parliament to become a Commissioner in 1995. For the past two years she has worked in the Commission's press and communications department charged with relations with the European Parliament and developing measures to better communicate the work of the European Union. In early 2002 she was shortlisted to be the Labour candidate in the Ogmore by-election, losing to Huw Iranca Davies who became the MP.

Plaid Cymru AM Rhodri Glyn Thomas called on Ms Royall to resign, saying:

“It will be impossible for her to treat the parties even-handedly.”⁴⁹

The Conservative leader in the Assembly Nick Bourne declared:

“I do find it extremely disturbing that the European Commission in Wales is fast becoming an employment hotspot for Labour Party hacks past and present. For a party that was keen to deprive ex-Plaid leader Dafydd Wigley of a public office when he stood down from politics, it is making great headway in appointing various Labour Party members and supporters to key public offices.”⁵⁰

Concern was also expressed by the Chairman of the European People's Party and Christian Democrats in the European Parliament, Herr Poettering Hans-Gert, who described the appointment as “inappropriate”.⁵¹ However, a spokesman for the Commission said the internal appointment had followed proper procedures and denied there had been any political involvement.

The European Commission's office in Wales was established in 1976. Romano Prodi, President of the European Commission, opened the Office's new premises in Cardiff Bay in May of last year during his first visit to Wales.

⁴⁹ BBC Wales *Dragon's Eye* political programme, 15 May 2003.

⁵⁰ Western Mail, 15 May 2003.

⁵¹ BBC Wales *Dragon's Eye* political programme, 15 May 2003.

Convention on the Future of Europe

The Convention on the Future of Europe, whose UK representative is Welsh Secretary Peter Hain, held its eighteenth meeting on 24 and 25 April. Presenting the articles of a draft constitution the Convention's President, Valéry Giscard d'Estaing, said it was based on three principles: equal rights for citizens and Member States, maintaining and improving the institutional triangle (European Parliament, Council, Commission) and respect for the Community method. He made the following proposals:

- New powers to the Parliament, notably the power to elect the Commission President.
- The new Council President should be seen as being a chairman, preparing and organising the work of the European Council, not as an executive President. The President would be assisted by a "bureau" of three members, appointed in rotation, to ensure representation of the Member States.
- A new definition of "qualified majority", namely the majority of Member States, representing at least three-fifths of the population of the Union.
- The number of Commissioners would be reduced to 15, and these could be assisted by "associate commissioners".
- The creation of a European Union Foreign Minister, to be appointed by the European Council in agreement with the Commission President. The person concerned would also be a Vice-President of the Commission

During his presentation on common foreign, security and defence policy, the Convention's Vice-President Jean-Luc Dehaene pointed out that, although the proposed new Foreign Minister would be elected by the European Council he was also subject to investiture by the European Parliament, in his capacity as a Commissioner. The proposals outlined by Vice-President Dehaene included:

7. The right of initiative enjoyed by the EU Foreign Minister.
8. Enhanced prior consultation of Member States and their mutual solidarity.
9. Extension of the Petersburg tasks (peace-making, support for third States against terrorism, post-conflict stabilisation operations).

The proposed articles also provided for the establishment of a European Armaments and Strategic Research Agency and flexible forms of co-operation between States, such as mutual defence commitments between States which so desired and a solidarity clause. The proposals over common foreign, security and defence policy were the most controversial, and although some of the most pro-European countries were supportive, others like Britain were much more critical.

During its meeting the Convention also discussed the draft articles on the Union's democratic life, which had been submitted at the previous session. Many members of the Commission called for the role of the social partners to be included in the proposed articles, for the provisions on political parties and transparency to be strengthened, for the "open method of co-ordination" to be included in the constitutional Treaty, and for a Europe-wide referendum to be encouraged. However, disagreements over the status of churches in the text, after the Convention had

previously ruled out a reference to religious values in the articles relating to the Constitution, continued.

Breton President Vists Wales

In March First Minister Rhodri Morgan held meetings in Cardiff with Josselin de Rohan, President of the Regional Council of Brittany to foster links between the two European Regions. On his first visit to Wales, M de Rohan addressed a conference on regional governance organised by Cardiff University's School of European Studies. The conference, which was attended by academics and policy-makers, reported the findings of a Cardiff University project that compared the politics and policies of devolution in Wales and decentralisation in the French region of Brittany.

EU Structural Funds

At the end of March the Welsh European Funding Office (WEFO) submitted its final reports and expenditure declarations to the EC, marking the closure of the 1994 -1999 EC structural fund programmes in Wales. The final spending under the programmes amounted to some £229 million in grants, representing a total investment of over £600 million. The £229m represents 89 per cent of the funding made available to project sponsors under the old programmes, though not all of which was utilised because of changes in projects.

Meanwhile on the current programme, WEFO announced that although they are required by EC regulations to meet the overall funding targets as agreed with Europe, including the requirement that a percentage of the total funding for the ESF programme must come from public sources (Objective 1: at least 44 per cent, Objective 3: at least 51 per cent), the match funding rule may be waved in certain circumstances.

WEFO has decided that in Wales the requirement that individual projects must be supported with at least 10 per cent public match funding will not be applied as an absolute rule. The requirement may be waived exceptionally when it has not been possible or practicable to obtain suitable public match funding.

8. PRESS AND THE MEDIA

Jessica Mugaseth, IWA

Election Coverage

The war in Iraq dominated both the Welsh and the British media headlines in the first two weeks of the election campaign. Although the *Western Mail* attempted to capture the attention of its readers, coverage was mainly limited to the middle pages of the newspaper. The election was also overshadowed by the slow start of the campaign and international events including the outbreak of the SARS epidemic.

It wasn't until the former Conservative AM Rod Richard became involved that both coverage and interest began to pick up in the election. '*Rod in a Rant- but does he have a point? Was the Western Mail's headline.*⁵² In his intervention Richard questioned the competence of health Minister Jane Hutt, said the Liberal Democrats 'were like the Russians' and would support the winning side, while Plaid Cymru and the Tories were like the French, willing to veto anything before they have even seen it. The Conservative leader Nick Bourne also contributed to a number of headlines throughout the election, his comments on Asylum seekers ('Britain 'swamped' by Asylum seekers'⁵³) and attack on those receiving state aid in rural areas ('Benefits luring addicts here'⁵⁴) received widespread coverage including in the London-based newspapers.

The *Western Mail's* coverage did increase over the period. However, with a circulation of less than 50,000 it is not surprising that the paper was unable to increase the turnout even after its last ditch attempt on voting day with a full front page spread, and half the paper dedicated to 'Why you need to vote today'⁵⁵ which included a version of their own manifesto.

The *Welsh Mirror's* coverage of the election was somewhat minimal, concentrating mainly on criticising Plaid Cymru rather than making any constructive advice for the electorate. Its front page headlines including 'Plaid head for divorce'⁵⁶ and 'Plaid Cymruin'⁵⁷ and their election day front page stated "The people's message for our next AMs: ITS TIME YOU LOT DELIVERED!"⁵⁸

The BBC team were committed to the election campaign with an interactive website explaining 'What has the Assembly done?', the Voting system and the evolution of devolution as part of their feature 'E03'. In addition it had extra political coverage in

⁵² *Western Mail* 16 April 2003.

⁵³ *Western Mail* 22 April 2003.

⁵⁴ *Western Mail* 25 April 2003.

⁵⁵ *Western Mail* 1 May 2003.

⁵⁶ *Welsh Daily Mirror* 24 April 2003.

⁵⁷ *Welsh Daily Mirror* 28 April 2003.

⁵⁸ *Welsh Daily Mirror* 1 May 2003.

the evenings explaining the progress of the campaign, in-depth reports on the parties and the main policy areas of the campaign. The coverage on the eve of the election included drafting in Huw Edwards as anchorman and live links to the polling stations across the country with politicians at the ready to comment and analyse the results. The BBC1 show was run in conjunction with the Welsh language show on S4C.

HTV, although with a less glamorous set and anchorman, was successful in pulling in the famous names of Welsh politics including Ron Davies, the UK Labour party chairman John Reid and political analyst Dr Denis Balsom. Despite all the time, money and effort invested in to the electoral coverage, as the *Western Mail* put it:

“We had two TV organisations pulling out all the stops to provide exhaustive election coverage – and yet at least 62 per cent of the electorate, it seems, weren’t bothered”⁵⁹

The London press referred to the Labour majority in Wales in its reports on the English Local Elections. *The Guardian* ran an article on the new Assembly’s record-breaking feat of being the first legislative body in the world made up of equal numbers of men and women. In its ‘Women’ section of the G2 supplement the newspaper praised the achievement of the Welsh Assembly describing the parity of women in the assembly as:

“Ground breaking, earth shattering, almost incredible... Better than Blair’s babes, better than anywhere.”⁶⁰

Stabbed in the Back

The *Western Mail* and the *Welsh Daily Mirror* were in agreement over the demise of Plaid Cymru Ieuan Wyn Jones in the wake of the election. Both newspapers led with the headline ‘Stabbed in the Back’⁶¹, and described the ‘secret plotting’ which led to the President of Plaid Cymru resigning. Although he initially declared that he was a “fighter not a quitter” Ieuan Wyn Jones decided to stand down after being told that half of the Assembly group had lost confidence in his leadership. The *Welsh Mirror* dubbed this half of the group the ‘gang of six’ - a reference to the six Labour MPs led by Neil Kinnock who campaigned against their party’s policy in the 1979 referendum campaign.

⁵⁹ *Western Mail*, 3 May 2003

⁶⁰ *The Guardian* 9 May 2003

⁶¹ *Western Mail* and *Welsh Daily Mirror* 9 May 2003

Loss of Experienced Members

The *Western Mail* paid a tribute to three high profile AMs who did not stand for re-election in the elections. The paper noted the important roles that Ron Davis, Dafydd Wigley and Phil Williams had played in the development of the National Assembly in its first term. It described the contribution they had made to the Economic Development Committee a profound loss. Russell Lawson, of the Federation of Small Businesses Wales, was one of several who praised the distinct contributions all three brought:

“Dafydd had great experience of the private sector, something we very much appreciated. Ron was excellent in that he certainly didn’t suffer fools gladly and was very forthright in putting forward his own opinions, while Phil was very knowledgeable about the technological sector.”⁶²

ELWa’s ‘Learning Curve’

The investigative current affairs programme ‘Week in Week Out’ continued its investigation into the financial irregularities that have been engulfing ELWa over the past months. The programme had previously highlighted ELWa’s breach in Assembly accounting rules⁶³ and in its most recent episode it investigated where the money given to Avanti, an independent TV company responsible for the development of the Pop Factory, had gone. It revealed that it had been allowed to remain in a private company’s bank account for nearly a year gathering interest, while £2.1 million has already been spent on a project that has yet to materialise. The programme also exposed a confidential document showing that ELWa wanted to give another £2 million to Avanti over the next two years, and revealed that previous financial problems surrounding Avanti were not taken in to account by checks made by ELWa. The programme also disclosed that money destined for ELWa’s educational programme budget was transferred instead to its running costs to cover funding deficiencies for staffing costs, a move that needed Ministerial authorisation. In the programme Plaid Cymru’s Education spokesperson Helen Mary Jones said:

"ELWa and the Minister were keen for a high profile, razzmatazz opportunity to show that they were getting the money out of the door and doing something innovative - they didn't do their homework - and that is deeply, deeply culpable in my opinion."⁶⁴

For the Conservatives Alun Cairns said:

"This is devastating news for the Minister and the Minister's hands are obviously all over it because she has approved this transfer. The Minister was

⁶² *Western Mail* 30 April 2003

⁶³ For further details see *Dragon debates its Future: Monitoring the National Assembly December 2002- March 2003*, IWA, 2003.

⁶⁴ *Week In Week Out*, BBC Wales, 13 May 2003

under tremendous pressure to resign before the election - there are even more scandals than were highlighted before the Assembly campaign and I think the Minister's position is now untenable."⁶⁵

The programme implied that ELWa refused to comment. However the following day ELWa sent out a press statement with a list of the written answers it had provided the programme, as well as various responses to allegations that the programme had made. ELWa said it was:

“... disappointed with their (the programme’s) failure to make any significant reference to our responses in the broadcast and are concerned that misleading and inaccurate impressions may have been given”.⁶⁶

⁶⁵ *Ibid.*

⁶⁶ Correspondence from ELWa, 14 May 2003