

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Eleventh Delegated Legislation Committee

DRAFT GOVERNMENT OF WALES ACT 2006
(AMENDMENT) ORDER 2019

Thursday 24 October 2019

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The Committee consisted of the following Members:

Chair: SIR DAVID AMESS

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|---|---|
| † Antoniazzi, Tonia (<i>Gower</i>) (Lab) | † Keegan, Gillian (<i>Chichester</i>) (Con) |
| † Bruce, Fiona (<i>Congleton</i>) (Con) | † Lewer, Andrew (<i>Northampton South</i>) (Con) |
| † Cadbury, Ruth (<i>Brentford and Isleworth</i>) (Lab) | McKinnell, Catherine (<i>Newcastle upon Tyne North</i>) (Lab) |
| Campbell, Mr Ronnie (<i>Blyth Valley</i>) (Lab) | † Metcalfe, Stephen (<i>South Basildon and East Thurrock</i>) (Con) |
| † Clark, Colin (<i>Lord Commissioner of Her Majesty's Treasury</i>) | † Ruane, Chris (<i>Vale of Clwyd</i>) (Lab) |
| † Duffield, Rosie (<i>Canterbury</i>) (Lab) | † Smith, Nick (<i>Blaenau Gwent</i>) (Lab) |
| † Ford, Vicky (<i>Chelmsford</i>) (Con) | Williams, Dr Paul (<i>Stockton South</i>) (Lab) |
| † Foster, Kevin (<i>Parliamentary Under-Secretary of State for Wales</i>) | Kevin Candy, <i>Committee Clerk</i> |
| † Henderson, Gordon (<i>Sittingbourne and Sheppey</i>) (Con) | † attended the Committee |
| † Jones, Mr David (<i>Clwyd West</i>) (Con) | |

Eleventh Delegated Legislation Committee

Thursday 24 October 2019

[SIR DAVID AMESS *in the Chair*]

Draft Government of Wales Act 2006 (Amendment) Order 2019

11.30 am

The Parliamentary Under-Secretary of State for Wales (Kevin Foster): I beg to move,

That the Committee has considered the draft Government of Wales Act 2006 (Amendment) Order 2019.

It is a pleasure to serve under your chairmanship, Sir David. The draft order covers both the ministerial hats I wear. It amends the consent requirements in schedule 7B to the Government of Wales Act 2006 in respect of electoral registration officers. It also makes clear how that amendment interacts with provisions in the Welsh Ministers (Transfer of Functions) Order 2018, so that functions over EROs are transferred to Welsh Ministers.

The UK, Welsh and Scottish Governments have committed to reforming the annual canvass process, and those reforms will improve the ability of EROs to identify properties where household composition has changed, allowing them to target resources towards those properties. Today's changes are part of that.

Electoral registration officers are appointed under section 8 of the Representation of the People Act 1983, and under the Welsh devolution settlement are classed as reserved authorities. That is because, although they exercise functions in relation to Assembly and local government elections in Wales, which are devolved matters, they mainly exercise functions in relation to reserved polls, such as UK parliamentary elections or police and crime commissioner elections.

Paragraphs 8 and 10 of schedule 7B to the 2006 Act place restrictions on the Assembly's ability to impose, modify or remove functions of reserved authorities without the consent of the UK Government. That means that, although the National Assembly for Wales has legislative competence for Assembly and local government elections, it cannot modify the devolved functions of EROs without a Minister of the Crown's consent. Let me assure the Committee that that was not the Government's intention.

A small number of reserved authorities are carved out of the consent requirements, because they, like EROs, exercise a mix of devolved and reserved functions. Such authorities include the Electoral Commission and the Food Standards Agency. Article 2 of the draft order addresses the issue by adding EROs to the list, so that in future the Assembly can modify their devolved functions without needing the UK Government's agreement.

Article 3 makes clear the effect of carving out EROs from the consent requirements in the Welsh Ministers (Transfer of Functions) Order 2018. The 2018 order sought to transfer the remaining Minister of the Crown functions in devolved areas to Welsh Ministers. That

included all the functions within the devolved competence of the Assembly contained in the main pieces of electoral legislation. However, the effect of paragraph 12 of schedule 7B to the 2006 Act is that reference to the devolved competence of the Assembly in the 2018 order does not include an Assembly provision requiring the consent of a Minister of the Crown.

Owing to the consent requirements related to EROs that I have already outlined, it follows that Minister of the Crown functions related to the devolved functions of EROs did not transfer to Welsh Ministers through the 2018 order as was intended. The draft order therefore provides that powers to modify the devolved functions of EROs will be treated as transferring to Welsh Ministers under the 2018 order on the date that the draft order comes into force. That will enable Welsh Ministers to make the necessary regulations for the canvass reforms in respect of devolved polls.

I welcome the very positive engagement that has taken place with the Welsh Government in developing the draft order, which has also been laid before the National Assembly for approval.

11.34 am

Chris Ruane (Vale of Clwyd) (Lab): May I say what a pleasure it is to serve under your chairmanship, Sir David? This is the second such occasion in less than a week, as I attended the meeting on endometriosis that you chaired last week, and I pay tribute to your qualities as a chairman. I also pay tribute to the Minister. He is a consensual and easy-going Minister, and I do not intend to give him a hard time on this occasion, because I fully support the draft order and this transfer of functions to the Welsh Government. It is a sensible way of doing business with Wales.

I was at a meeting yesterday where, on other issues, Welsh and Scottish Ministers feel that they have been treated like children, and not in a very mature way. Today that is not the case; I think we are treating the Welsh Government and politicians in Wales in an adult way, and it is long overdue.

Giving the Welsh Government, with all the functions they have, full licence to do what they want in this area without coming back to London to seek permission for this or for that means that all the ducks are in a row now and they can pursue the initiatives that they want to pursue. That is the great thing about devolution. We have four Chambers—five, if we include London—where good practice can be looked at and experimented with. The best practice can then be spread around the whole of the United Kingdom.

The measure is eminently sensible. In fact, Lord Griffiths of Burry Port highlighted a great Welsh word, which describes what has gone on in the Lords and what will hopefully go on here today: "tidy". This is tidy; we have tidied things up, made them presentable and allowed the Welsh Government to do what they are supposed to do.

I could bore for Britain on this subject. I have been switched on to the issue of electoral registration since 2001, when I found out that 4,000 of my constituents had disappeared—not physically, but they were off the register. I have maintained an interest in it. I think that I have tabled 1,000 questions on electoral registration and registration issues.

I question what the Government are doing nationally with individual electoral registration and photo ID. I believe that those measures have been used in America by the Republicans in their attempts at voter suppression. However, this order is not voter suppression; it extends the ability of the National Assembly to get on with its job.

The National Assembly already pursues many excellent policies on electoral registration, including extending the vote to 16 and 17-year-olds for local elections and National Assembly elections. I hope that what we are passing here today will enable the National Assembly to go on and do even bigger and better things. It should explore the ways in which young people can be registered to vote at the age of 15 and three quarters. On the day that they get their national insurance number at 15 and three quarters, hopefully the National Assembly will now have the powers to register them, perhaps even at school.

I hope that the National Assembly ensures that all EROs fulfil their statutory responsibility and knock on every door of every non-responder, and take forceful action against those who do not respond. That work has not been done across the whole of the country; many EROs and many local authorities have not done the annual canvass for years on end. The measure will allow the National Assembly to pursue those policies.

This process is not just about taking a big stick to the EROs; much more needs to be done to celebrate them. They are magnificent people. They develop the building blocks of our democracy—the electoral register. So, hopefully, the National Assembly will celebrate them, perhaps even giving civic awards or national awards every year, and celebrating a democracy day with democracy awards for those EROs who more than fulfil their responsibilities.

I hope that these comprehensive powers will be used to develop service-level agreements with people who have a track record in registering people and groups who are unregistered; I am thinking about Operation Black Vote and Bite the Ballot. Bite the Ballot can go into a sixth form, engage with young people and ensure that 100% of that sixth form is registered. The average cost of doing so is 25p per registration. We see the Electoral Commission, with its advertising campaigns. When it compares the cost of those advertising campaigns with the number of downloads of electoral registration forms that they generate, the cost can be up to £95 per registration.

I hope that the Welsh Government and the National Assembly will use the powers to the full. They fully support the changes that we are considering here today, and I also welcome them.

11.39 am

Kevin Foster: I will keep my conclusion brief. I very much welcome the support of the shadow Minister. I agree with many of his comments, although not necessarily all of them.

I emphasise that the core of the order is about modernising the process of the annual canvass. At the moment, it is based on paper forms being sent out and, in theory, exactly the same effort going into areas where there is no particular evidence that people are not registered or that households have changed as goes into communities where there may be a greater chance of people not being registered to vote. The order allows, in devolved and reserved elections, resources to be focused on getting people on to the register who might otherwise be excluded. A constructive piece of work has been done

with the Welsh Government. The Cabinet Office, the Welsh Government, local government in England, and Scotland are looking to see how we can improve the process.

Nick Smith (Blaenau Gwent) (Lab): On the point about the UK Government supporting the Welsh Government and EROs in boosting electoral registration, when talking to my ERO in Blaenau Gwent, I found out that when young people try to register to vote, the single most common reason for them not registering to vote properly is their inability to provide their national insurance number. It is a simple thing, and many of us know it off by heart, but young people have not learned it yet. Will the new regulation allow EROs in Wales, or Welsh Government Ministers, to have stronger influence over the Department for Work and Pensions, so that there is better digital transfer of information, particularly around NI numbers, allowing EROs to target young people and provide that information as part of their boosting of electoral registration to support the growth of our democracy, as recommended by my hon. Friend the Member for Vale of Clwyd?

Kevin Foster: I thank the hon. Gentleman for the interesting intervention. He may want to look at the main canvass reform orders that will be laid, which look at how DWP data could be used to identify those who may be being excluded from the electoral roll. He will notice that there are some clear safeguards around such data matches being used, so that ERO teams can target exactly who might be most likely to not be registered or households where there may have been a change in composition. Again, we realise that those who are in receipt of particular DWP support are perhaps most likely to not be on the electoral register.

There are also some specific provisions in the English orders, which have now been laid before the House by the Cabinet Office, to look at issues such as specialist accommodation. Rather than just firing out random paper forms, we can do better work to identify a responsible person to then identify those who may be being excluded from the electoral roll. In some cases, it is about people literally not knowing how to get the form done or make declarations of local connections. Our priority is to target resources and move away from a bureaucratic method where we send a form and do not get a reply, then send another form, then knock on a door—that is from another era.

Welsh Ministers will also want to engage on the franchise that has been set for the devolved elections and how they can reach out. Speaking as the UK Minister with responsibility for democratic engagement, we welcome the steps that are being taken in all the nations of the United Kingdom to try to engage more people and get them to participate in our democracy. As hon. Members will appreciate, however, there is a separate system in Northern Ireland under the chief electoral officer, for fairly obvious historical reasons, where a requirement for an annual canvass does not exist under the laws that pertain there.

To use the earlier expression, this has been a tidy debate that has elicited a wide consensus. I commend the order to the Committee.

Question put and agreed to.

11.44 am

Committee rose.

