

GREGYNOG – 6 May 2014

- Two-man act – I will talk about Commission in general and police
- Noel will talk about justice system
- I will then talk again about the reserved powers model

- Commission on Devolution in Wales set up as part of 2010 coalition agreement
- Followed the precedent of Calman
- Did both parties want equally??
- Two parts of remit
- Our second remit: To review the powers of the National Assembly for Wales in the light of experience and to recommend modifications to the present constitutional arrangements that would enable the United Kingdom Parliament and the National Assembly for Wales to better serve the people of Wales
- Some change of Commissioners for second part
- Combination of political nominees and others worked well
- Unanimous report
- The cumulative effect of our recommendations will:
 - achieve a clearer settlement;
 - make the distribution of powers more coherent and exercised at the right level;
 - improve inter-institutional working; and
 - enhance scrutiny and performance.
- Now for parties to take up in their manifestoes

- Approach was to consult widely
- Public meetings etc not as well attended as we would have liked
- But over 200 written submissions
- Formal evidence sessions
- Informal sessions at universities in Wales
- Vision:
- and principles: accountability, clarity, coherence, collaboration, efficiency, equity, stability and subsidiary
- Water, energy, broadcasting, higher education, teachers' pay, social security, even lords lieutenant
- Better co-operation, and formalisation of process – perhaps a move towards the quasi-federal system that Bns Hale has identified

- Our recommendations on policing
 - a. policing and related areas of community safety and crime prevention should be devolved to the National Assembly;
 - b. existing levels of cross border police cooperation should be maintained;
 - c. powers in respect of arrest, interrogation and charging of suspects, and the general powers of constables, should not be devolved unless and until criminal law is devolved;

- d. the National Crime Agency should not be devolved;
 - e. police pay should be devolved, but police pensions should not be devolved; and
 - f. the two Governments should agree charging systems and terms of service provision for the Police College, Independent Police Complaints Commission, HM Inspectorate Constabulary and common services such as the Police National Computer system
- Our vision on policing in Box 10.2
 - Our arguments:
 - A public service integrated with devolved services
 - Accountability: HO £229m; WG £151m; LAs £221m
 - Subsidiarity – circumstances of Wales
 - 63% in favour
 - Arguments against us
 - Salmon argument
 - HO arguments
 - Inextricable links with CJ system
 - Present arrangements provide a significant level of integration and autonomy
 - Cost and complexity issues
 - National threats
 - WAC arguments from health service experience
 - Very interesting to see how this develops politically - Stevens
- Reserved powers
 - Strength of the arguments for
 - Absence of any real argument against
 - SofS argument – but Milliband and Clegg both now support
 - Reserved powers model
 - would be clearer
 - would allow more confident, effective government
 - would improve accountability
 - and moving to the new model would in itself bring about a better thought- through devolution settlement.
 - It would be foolish to present a move to a reserved powers model as some sort of panacea, but we are absolutely sure that it is a fundamentally important change
 - But will it create a separate jurisdiction?
 - Argument of Morgan and Hain: how can you reserve the criminal and civil law?
 - Scotland Act 1978
 - Seminar on this to be organised through WGC