



‘There will be no shortage of Cabinet ministers taking part in the Scottish referendum campaign. The same is not true in Wales’: New Labour, Old Struggles, and the Advent of Welsh Devolution*

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Devolution to Scotland and Wales was a central pillar of the legislative agenda of the Labour government elected in 1997, yet despite the constitutional significance of this programme it was undertaken without particular enthusiasm by the then prime minister, Tony Blair. Nowhere was this blend of significant change, yet pervasive lack of passion (or interest) more apparent than devolution to Wales. Drawing upon recently released archival documents, this article will explore the New Labour government’s approach to devolution in Wales.

These papers provide fresh evidence of the second order nature, and treatment, of Welsh devolution compared to the attention provided to Scottish devolution, as well as of the narcissism of small details which pervaded Whitehall’s discussions of Welsh devolution (with considerable energy, for example, dedicated to questions about the titles which leading figures in the Assembly would be given). These papers also bear testament to the struggles which Ron Davies, the then secretary of state for Wales, faced in securing even a minor scheme of devolution and the tensions he experienced with the centre of government.

Keywords: devolution; New Labour; constitutional reform; British history; Welsh history

Introduction

Devolution has long been a subject of political division and contestation within the British Isles. This has been historically true of Wales, where the first devolution referendum in 1979 saw the proposed Welsh Assembly defeated by a margin of four to one and where the second referendum, held 18 years later in 1997, was won by the pro-devolution campaign by the nail-bitingly tight margin of 6,721 votes. However, while it has divided opinion, there are some apparently universally shared truths about devolution.

First, it has long been acknowledged that the devolution dispensations which materialised in Scotland, Wales and Northern Ireland after 1997 have been marked by significant

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asymmetry.¹ The system of devolved governance in each of these parts of the UK has been distinct from the others, a consequence of local histories and the perceived differences in terms of local demands from the centre.² Second, despite the transformative nature of the devolution proposals implemented by the New Labour government, it has also been noted, and conceded by the man himself, that the then prime minister, Tony Blair, was less than wholeheartedly enthusiastic in his support for devolution.³ This was a project set in train prior to his accession to the leadership of the Labour Party and it was a policy inherited rather than a labour of love. Third, in the asymmetric landscape of devolution (and putting aside Northern Ireland – long the ‘place apart’ in the UK’s territorial governance), Wales was very much in the slipstream of Scotland.⁴ Scotland was to be bestowed with a law-making parliament (which would be given some minor, if never used, powers to vary the rate of income tax by three pence in the pound); Wales, in contrast, was to have an Assembly which lacked primary law-making powers and which was a body corporate with no legal split between the Assembly and the ‘government’.

Drawing on recently released cabinet papers that cover the period from May (when New Labour swept to power) until December 1997, this article explores the detailed discussions and negotiations within Whitehall that accompanied the establishment of devolution in Wales. These papers provide fresh evidence of the second order nature, and treatment, of Welsh devolution, compared to the attention provided to Scottish devolution, as well as of the narcissism of small details which pervaded Whitehall’s discussions of Welsh devolution (with considerable energy, for example, dedicated to questions about the titles which leading figures in the Assembly would be given). These papers also bear testament to the struggles which Ron Davies, the then secretary of state for Wales, faced in securing even a minor scheme of devolution and the tensions he experienced with the centre of government.

This article will begin with an introduction to devolution and its prehistory, charting a course from the failure of the Callaghan government’s devolution proposals in 1979 to the resurrection of the policy within the Labour Party during its subsequent long spell in opposition. The article will then focus on how the Blair government sought to adapt its commitment to devolution to Scotland and Wales into political reality, highlighting the key discussion points in relation to Wales. This discussion will be broken down into two broad sections: the first highlighting the attitudes of those at the centre of government to Welsh devolution, while the second section focuses on some of the policy questions which dominated the cabinet and its devolution sub-committee’s consideration of Welsh devolution (in particular, the Assembly’s power of summons, the titles of leading members, and where the Assembly was to be accommodated). Taken together this article will emphasise how,

¹Charlie Jeffery, ‘The Unfinished Business of Devolution: Seven Open Questions’, *Public Policy and Administration*, xxii (2007), 92–108; Vernon Bogdanor, ‘Constitutional Reform in Britain: The Quiet Revolution’, *Annual Review of Political Science*, viii (2005), 73–98.

²James Mitchell, *Devolution in the United Kingdom* (Manchester, 2009) 12–13, 220–2; James Mitchell, ‘The Westminster Model and the State of Unions’, *Parliamentary Affairs*, lxxiii (2010), 85–8.

³Tony Blair, *A Journey* (2010), 251–3.

⁴See for example: Richard Rawlings, ‘Riders on the Storm: Wales, the Union, and Territorial Constitutional Crisis’, *The Journal of Law and Society*, xlii (2015), 471–8; Select Committee on the Constitution, *Tenth Report* (HL, 2015–16, 149), 49–50; David Williams, ‘Devolution: The Welsh Perspective’, in *Constitutional Reform in the United Kingdom: Practice and Principles*, ed. J. Beatson, C. Forsyth and I. Hare (Oxford, 1998), 41–51.

for the Welsh Office, navigating minor devolution proposals through Whitehall was an, at times, tortuous, process and not just an event.

Historical Background

While devolution has had a long history in the British Isles, and was seriously championed for Scotland and Wales by various figures within the Liberal Party around the turn of the 20th century, it reappeared on the political agenda at the end of the 1960s after a series of by-election successes and near misses for the SNP and Plaid Cymru. These performances prompted Harold Wilson, during his first stint as prime minister, to establish a royal commission on the constitution in 1969. When it finally reported in 1973, the commission was marked by numerous divisions with different groupings of commissioners favouring wildly differing models of reform, ranging from legislative devolution to deliberative and advisory assemblies.⁵

Although devolution was squeezed out as an issue during the February 1974 general election campaign, the outcome of that election (a minority Labour administration was formed from a parliament with a then record number of SNP and Plaid Cymru MPs) resulted in a begrudging acceptance from Harold Wilson that his government would need to bring forward proposals for devolved assemblies in Scotland and Wales.⁶ In September 1974, Wilson's government published the white paper, *Democracy and Devolution: Proposals for Scotland and Wales*. The paper proposed the establishment of directly elected assemblies for both nations, elected under the 'first past the post' system and both funded by a block grant from Westminster.⁷ The key difference between the models of devolution offered to Scotland and to Wales was that the former would be on the basis of a legislative assembly, while Wales would have executive devolution only.

In November 1975, the government published another devolution white paper, *Our Changing Democracy: Devolution to Scotland and Wales*, which sought to provide more detailed proposals. *Our Changing Democracy* proposed a Scottish Assembly of 142 members with primary legislative powers and operating on a conferred powers model basis. There would also be a devolved Scottish government which would be formed from, and held to account by, the Assembly. In stark contrast, the Welsh Assembly envisaged by the white paper would consist of 72 members and would be constituted on local government lines with executive powers invested in the Assembly as a corporate body and with no separation of power between the Assembly and 'executive'. Instead of primary legislative powers, the Assembly would pass delegated legislation in the policy fields conferred to it by Westminster.⁸

⁵For more on the royal commission on the constitution, see J.P. Mackintosh, 'The Report of the Royal Commission on the Constitution', *Political Quarterly*, xlv (1974), 115–23; Adam Evans, 'Back to the Future? Warnings from History for a Future UK Constitutional Convention', *Political Quarterly*, lxxxvi (2015), 26–8; Rawlings, 'Riders on the Storm', 471–98; Iain McLean and Alistair McMillan, *State of the Union: Unionism and the Alternatives in the United Kingdom since 1707* (Oxford, 2005), 181–96; Adam Evans, 'Devolution and Parliamentary Representation: The Case of the Scotland and Wales Bill, 1976–7', *Parliamentary History*, xxxvii (2018), 275.

⁶Adam Evans, "'Far reaching and perhaps destructive?" The 1974–79 Labour Government, Devolution and the Emergence, and Failure, of the Scotland and Wales Bill', *Parliaments, Estates and Representation*, xli (2021), 47–54.

⁷Vernon Bogdanor, *Devolution in the United Kingdom* (Oxford, 1999), 175–8.

⁸HM Government, *Our Changing Democracy: Devolution to Scotland and Wales* (London: Her Majesty's Stationery Office, 1975) (Cmnd. 6348), paras. 32–35, 43–50, 62–116, 119–68, 190–4.

These proposals formed the basis of, first the ill-fated Scotland and Wales Bill in 1976–7,⁹ and then the Scotland and Wales Acts which were eventually passed in 1978. The price of passage for both acts had been referendums in both nations, with a requirement that the Yes vote in each case would need to represent at least 40% of the total electorate. While in Wales devolution fell short of this threshold, in Scotland devolution was endorsed by a slim majority of voters and narrowly fell below the threshold.¹⁰

After being rejected by the Welsh electorate in 1979, devolution entered the political wilderness and it would take the cumulative effects of successive election defeats and concerns about a democratic deficit (fuelled by the growth of quangos and the patronage powers of the Welsh Office) for Labour to return to the issue. Unlike in Scotland, the process of resurrecting devolution that would culminate in the Government of Wales Act 1998 was ‘almost entirely the product of internal discussions within the Labour Party’.¹¹

By the late 1980s, the Labour Party had started to recommit itself to an Assembly, albeit as part of a broader reform of local government in Wales.¹² It was a notable irony that, at the 1992 general election, the Labour Party (led by one of the leading opponents of devolution in the late 1970s, Neil Kinnock), included an Assembly as a manifesto commitment. The Assembly envisaged by Labour in 1992 would have consisted of 76 members (two per Westminster constituency) and, as with the Wales Act 1978, would have had executive, rather than primary legislative, devolved powers. After the election, and the appointment of a new shadow Welsh secretary in the form of Ron Davies, the party continued to develop its proposals.

Delivering on Devolution: New Labour in Power

By the time of the 1997 election, it was clear that Labour was proposing a Welsh Assembly with secondary legislative powers, and with the powers and budget of the Welsh Office transferred to it (although the post of secretary of state for Wales would be retained) alongside responsibility for the quangos under the authority of the Welsh Office. The Assembly would be a body corporate, although the chairs of the Assembly committees would form an executive committee that would be chaired by the leader of the largest party within the Assembly.¹³ While Labour had originally suggested that devolution could be established on the basis of an election mandate alone, it was now proposing pre-legislative referendums in Scotland and Wales. These proposals bore an uncanny resemblance to the vision of devolution rejected in the 1979 referendum. As Wyn Jones and Scully note, ‘while Wales might have changed radically in the intervening twenty years (between the Wales Act 1978 and the 1997 general election), Labour’s proposals for devolved government remained, in almost all essentials, unchanged’.¹⁴

⁹John Kerr, ‘The Failure of the Scotland and Wales Bill’, in *The Scottish Government Yearbook 1978*, ed. H.M. Drucker and M.G. Clarke (Edinburgh, 1978), 113–19; Evans, ‘“Far reaching and perhaps destructive?”’, 59.

¹⁰Evans, ‘Devolution and Parliamentary Representation’, 290–1.

¹¹R.W. Jones, and Bethan Lewis, ‘The Welsh Devolution Referendum’, *Politics*, xviii (1999), 41.

¹²Mitchell, *Devolution in the UK*, 158.

¹³Oonagh Gay, *Wales and Devolution* (House of Commons Library, 19 May 1997) (Research Paper 97/60), 20–2.

¹⁴R.W. Jones, and Roger Scully, *Wales Says Yes: The 2011 Devolution Referendum* (Cardiff, 2012), 40–2.

The 1997 general election saw a landslide electoral victory for Tony Blair's Labour Party, returning a majority of 179 seats. Devolution would now become a political reality. Within a week of the election, a cabinet sub-committee on devolution to Scotland, Wales and the English regions (DSWR) had been established by the prime minister. Chaired by Derry (Lord) Irvine, DSWR's membership would consist of the territorial secretaries, the deputy prime minister, the president of the board of trade, the secretaries of state for health, national heritage, home department, as well as the minister of agriculture, fisheries and food, the chief secretary to the treasury, the leaders of the house of commons and lords, as well as the chief whips and law officers from both chambers.¹⁵

While DSWR's work was to take place under the oversight of a Ministerial Committee on Constitutional Reform Policy, it was tasked with the detailed delivery and consideration of devolution proposals. Although its terms of reference also extended to the English regions, it was made clear that DSWR's 'prime task' in its initial few months was on the 'key issues in the White Papers on Scotland and Wales'.¹⁶

Main Themes from the Cabinet Papers, Part 1: Attitudes at the Centre

Welsh Devolution as a Second Order Policy Programme

The much more limited nature of the devolution proposition put forward for Wales (as opposed to that on offer for Scotland), meant that, from the start, Welsh devolution struggled to get meaningful attention within the cabinet.

This political reality was expressed bluntly in a handling brief prepared for the lord chancellor, Derry Irvine, ahead of one of the first meetings of the cabinet's devolution sub-committee (DSWR). The brief stressed that Lord Irvine should make clear to his fellow ministers that it was 'important that we should give full attention to the Welsh as well as the Scottish devolution scheme', notwithstanding the fact that the model on offer 'may be unfamiliar in parts of Whitehall'.¹⁷

This explicit guidance can be seen as a fairly honest acknowledgment of the likelihood of Scottish devolution overshadowing the Welsh proposals in DSWR's discussions. Indeed, despite this firm steer, the Welsh proposals appeared to struggle for airtime. In a memo to the prime minister from his private secretary, Angus Lapsley, ahead of a meeting with the secretary of state for Wales, Ron Davies, Lapsley conceded that the Welsh proposals 'have been overshadowed by the Scottish proposals in DSWR'. Nonetheless, Lapsley advised the prime minister that the proposals 'do warrant some of your time' due to public opinion in Wales being 'more finely balanced' than in Scotland.¹⁸

It was not just in DSWR where the Welsh devolution proposals were outshone by those for Scotland. At full cabinet level, there appeared to be scarce time set aside for discussion or even a mention of progress on bringing forward devolution proposals for Wales. At the cabinet's meeting on 24 July 1997, time was set aside to discuss the devolution white papers.

¹⁵TNA, PREM 49/18: memo from D. Cooke to D. Irvine, 14 May 1997.

¹⁶TNA, PREM 49/18: memo K. Mackenzie to D. Irvine, 7 May 1997.

¹⁷TNA, PREM 49/18: memo from D. Cooke to D. Irvine, 14 May 1997.

¹⁸TNA, PREM 49/18: memo from A. Lapsley to T. Blair, 3 June 1997.

However, while the prime minister opened the discussion by noting that both the Scottish and Welsh white papers were 'substantial documents' for which the Scottish and Welsh secretaries should be congratulated, the focus of his remarks, and those that would follow from other cabinet ministers, was firmly on Scotland. Unlike the Welsh secretary, the Scottish secretary was given the floor to discuss his proposals and thank cabinet colleagues for their support. In the subsequent discussion, the Scottish proposals were specifically mentioned as having been 'well conceived and well balanced'.¹⁹

It should be acknowledged that 24 July was the day when the Scottish white paper was published and so one would expect Scotland to receive particular attention. However, it is perhaps significant that the only time Wales was mentioned in this cabinet discussion on devolution (aside from the prime minister's opening remarks) was when ministers noted that the Scottish and Welsh devolution proposals were 'bound to renew interest in forms of regional government in England'.²⁰

This picture of limited cabinet enthusiasm or interest in the government's Welsh devolution proposals is reinforced by a plea the prime minister had received the week before from Peter Mandelson. Mandelson, who had been tasked with chairing an ad hoc committee to co-ordinate information to voters during the referendum campaigns, wrote to the prime minister urging him to encourage cabinet ministers to make themselves available to campaign in Wales. According to Mandelson, 'there will be no shortage of Cabinet Ministers taking part in the Scottish referendum campaign. The same is not true in Wales'. While he noted that the prime minister had planned several campaign trips to Wales, 'not many members of the Cabinet had committed to do likewise'.²¹

The cabinet meeting on 24 July had followed an especially stressful week for the Welsh Office, a week which some might consider to have been a clear demonstration of where Welsh devolution stood in Number 10's pecking order and its vulnerability to being eclipsed by Scotland. On 2 July, it had been agreed at a meeting of the Scottish and Welsh secretaries, the chief whip and the leader of the house of commons, that the Welsh white paper would be published on 22 July with a debate on the floor of the house of commons on 25 July, and that the Scottish white paper would be published on 24 July with a debate on the floor of the House on 31 July.²² However, by 14 July it appeared that the prime minister was in favour of a joint publication of both white papers, resulting in the prime minister's aides being despatched to examine the feasibility of combining both launches.²³

The prime minister's interest in combining the launches of both white papers prompted a furious reaction from the Welsh Office and frantic lobbying against a change in plans. On 14 July, Peter Hain, a junior minister in the Welsh Office, wrote to the prime minister's head of communications, Alistair Campbell, in a desperate bid to keep to the agreed publication dates. Hain began his correspondence by stressing that it was 'imperative that we stick to

¹⁹TNA, CAB 128/121: conclusions of a meeting of the cabinet held at 10 Downing Street on Thursday, 24 July 1997.

²⁰TNA, CAB 128/121: conclusions of a meeting of the cabinet held at 10 Downing Street on Thursday, 24 July 1997.

²¹TNA, PREM 49/20: letter from P. Mandelson to T. Blair, 14 July 1997.

²²TNA, PREM 49/20: memo from K. Mackenzie to J. Powell, 14 July 1997.

²³See, for example: TNA, PREM 49/20: memo from A. Lapsley to T. Blair, 14 July 1997; memo from K. Mackenzie to J. Powell, 14 July 1997.

the date agreed'. Noting that focus groups had shown that Welsh devolution campaigners needed a 'distinct and very explicit message in order to win', Hain argued that this meant that Wales's 'different proposals from Scotland (especially no tax powers and no primary legislation amongst other things) need to be projected to Welsh voters'.²⁴

Hain's letter also emphasised the professionalism with which the Welsh Office had gone into preparing for their launch event. As Hain elaborated, 'in good faith and very professionally on the basis of a written agreement from business managers etc we have planned a really good communications strategy', which included the BBC and S4C changing their schedules to accommodate special debates on the white paper. Indeed, Hain doubled down on the good faith argument, stressing to Campbell that they had 'played this by the book, not moving until we had written authority from business managers for the 22nd'.

Based on the dates agreed, Hain explained that the Welsh Office had planned a launch evening in Cardiff Castle, with 'well known celebrities and business figures which will provide excellent TV pictures'. Both the 9pm and 10pm news programmes would be covering the event and, crucially, 'invites for this have already gone out'. Hain noted that the media had hitherto been 'very good in respecting our embargo on the date being announced', but warned that 'if the date were pulled we would risk very negative stories'.²⁵

The date was particularly important to Hain, in light of the preparations made by the Welsh Office. While they could 'just about live with Scotland being the same date' (although he pointedly noted that the Welsh media was overwhelmingly dependent on the UK), Hain warned that 'changing the 22nd at this late stage would deal a massive blow to our careful preparations'.²⁶

Hain's correspondence was followed the next day with a letter from Ron Davies to the prime minister. Davies again emphasised the 'excellent TV pictures' which the long-planned campaign launch at Cardiff Castle would provide, as well as the good behaviour, to date, of the media in respecting the embargo on the publication date. Echoing Hain, Davies also warned that changing the plan at this late stage, and 'to meet a non Welsh agenda', would 'risk negative comment' from the press.²⁷

Davies also highlighted the potential parliamentary implications of a change to the publication plans. First, Davies noted that the government had been trying to maintain their position, against opposition in the house of lords, that the two referendums be held on separate days. According to Davies, 'publishing the two White Papers on the same day would be seen as flying in the face of this'. Second, Davies cautioned Blair that announcing the Welsh proposals only 36 hours before the white paper was due to be debated on the floor of the house of commons 'would almost certainly invite criticism, and deflect the debate from the merits of the proposals'.²⁸

Support for the Welsh Office came from both the leader of the house and the chief whip. Writing to the prime minister's chief of staff, Jonathan Powell, on 14 July, Paul Cohen, the leader of the house's personal private secretary, advised that the leader and chief whip had a 'strong preference for sticking with the original plan'. Echoing the parliamentary

²⁴TNA, PREM 49/22: letter from P. Hain to A. Campbell, 14 July 1997.

²⁵TNA, PREM 49/22: letter from P. Hain to A. Campbell, 14 July 1997.

²⁶TNA, PREM 49/22: letter from P. Hain to A. Campbell, 14 July 1997.

²⁷TNA, PREM 49/20: letter from R. Davies to T. Blair, 15 July 1997.

²⁸TNA, PREM 49/20: letter from R. Davies to T. Blair, 15 July 1997.

considerations mentioned by Davies, Cohen warned that they were both of the view that 'there would be real handling difficulties in cutting the time between the Welsh statement and the debate to just two days'.²⁹ Whether it was due to those parliamentary considerations, or a rush of sympathy for the Welsh Office's position, the prime minister conceded on 15 July that the two white papers should be published as originally agreed.³⁰

A Minimalist approach to Welsh Devolution

An early indication of the minimalist approach to Welsh devolution that would be pursued by some within Whitehall can be found in correspondence from a Home Office official to the Welsh Office which argued against a proposal, contained in an early draft of the *Voice for Wales* white paper, for the queen to open the Welsh Assembly. According to the official, the Home Office did 'not think the same treatment [it was envisaged that the Queen would open the Scottish Parliament] would be appropriate' for an Assembly 'which has no primary legislative functions'. Indeed, the Home Office seemed to be surprised at the very idea being mooted, arguing that it had been 'assumed that as a body wholly subordinate to the Westminster Parliament no question of direct relations with the sovereign would arise'.³¹ As we shall later discuss, the question of the Assembly's status and relations with the crown would spill over into discussions of which titles should be afforded to senior members of the Assembly.

This minimalist approach could also be seen in the initial pushback over whether the full powers of the secretary of state for Wales should be devolved to the proposed Welsh Assembly. The Labour manifesto had promised to devolve to a Welsh Assembly, 'democratic control of the existing Welsh Office functions'.³² These functions had accumulated over several decades across a complex number of policy areas and in ways that cut across different government departments' fields of responsibility, all within the context of collective ministerial responsibility. It was envisaged by the Welsh Office that these functions would be mapped and provided in bulk to the Assembly via a transfer of functions order.

In a memo for the lord chancellor, an official warned that the Welsh Office would need to 'undertake a detailed exercise with Whitehall Departments to establish proposals for which powers and functions should be specified in the initial order transferring the powers and functions of the Welsh Secretary to the Assembly'.³³ However, there is a difference between seeking to establish what *was* currently the responsibility of the secretary of state and therefore eligible for devolution and inviting departments to judge what functions *should* be devolved. It seemed that, for some close to the centre of government, the latter approach, which questioned whether what was currently exercised by the Welsh secretary should be devolved (and which might therefore leave the Assembly with even fewer powers than anticipated), was preferable.

²⁹TNA, PREM 49/20: letter from P. Cohen to J. Powell, 14 July 1997.

³⁰TNA, PREM 49/20: letter from A. Lapsley to K. Mackenzie, 15 July 1997.

³¹TNA, PREM 49/18: letter from K. Bramwell to J. Milligan, 19 June 1997.

³²Labour Party, *Labour Party 1997 Manifesto: New Labour because Britain Deserves Better* (1997).

³³TNA, PREM 49/18: letter from D. Cooke to Lord Irvine, 14 May 1997.

An example of this apparent preference can be seen in a letter from Pat McFadden (a senior political adviser in Number 10) to the prime minister on 12 June 1997. While McFadden noted that the Welsh proposals were 'much more limited than the Scottish one', he went on to suggest that 'simply giving the Assembly all the powers of the Secretary of State [...] seems pretty arbitrary'. McFadden instead claimed that many of the secretary of state's powers were currently 'carried out for convenience with no real policy leeway' and instead argued that it would 'be better to have a more common sense look at what should be transferred, rather than just the messy list of what the Secretary of State does at present'.³⁴

The essence of McFadden's argument, if not his suggestion that the Welsh secretary's powers were currently not as substantive as might be believed to be the case, was echoed in a letter from Angus Lapsley, the prime minister's private secretary, to Dr June Milligan, a senior Welsh Official civil servant. This letter purportedly offered the prime minister's feedback to an early draft of the Welsh devolution white paper, and, among other matters, raised the question of whether it was 'sensible to define what is transferred purely in terms of what the Secretary of State does at present'.³⁵ Instead, it was suggested that it might be preferable if there was 'a more considered examination of what areas should be devolved which asks whether it is right and sensible to do so, rather than simply saying it will be devolved if it is done presently by the Secretary of State'.³⁶

Indeed, it seems the Welsh Office was quite alert to any clawback of their functions by other Whitehall departments. In her response to Lapsley's letter, Milligan reminded Number 10 that DSWR had 'concluded at one of its earlier meetings that in line with the Labour Party manifesto for Wales, the functions of the Assembly should be defined in terms of my Secretary of State's existing responsibilities'. She then added that it was 'felt that to draw back from this commitment would undermine the referendum campaign', before advising that there would be an 'opportunity in drawing up the detailed Transfer of Functions order to identify and address any anomalies'.³⁷

While Number 10 backed off from its push for a review of which of the secretary of state's powers should be devolved, this was by no means the only episode which demonstrated a minimalist approach to devolution (i.e. a mindset which seemed to begrudge anything other than the minimum level of devolution deemed politically necessary for Wales).³⁸ Lapsley's letter to the Welsh Office's June Milligan on 30 June, for example, not only floated the question of whether the existing powers of the secretary of state should automatically be devolved, but also struck out at the notion that devolution may be an evolutionary process, urging the Welsh Office to remove a sentence stating that 'the government will not close

³⁴TNA, PREM 49/18: letter from P. McFadden to T. Blair, 12 June 1997.

³⁵The prime minister's comments in the margins of McFadden's letter of 12 June imply that he had devolved any judgment on the draft white paper to McFadden, with the prime minister urging McFadden to 'tell me what you think. I just don't have the time at present to go into this. But Ron must be able to justify on merit anything done' (T. Blair annotated comments on TNA, PREM 49/18: letter from P. McFadden to T. Blair, 12 June 1997).

³⁶TNA, PREM 49/19: letter from A. Lapsley to J. Milligan, 30 June 1997.

³⁷TNA, PREM 49/19: letter from J. Milligan to A. Lapsley, 8 July 1997.

³⁸One area where this minimalist approach could be seen repeatedly in the 1997 cabinet papers was the question of what powers the Assembly should have to summon witnesses.

off the options for further development of the Assembly' from a draft of the Welsh white paper.³⁹

Indeed, in one memo to the prime minister, sent amidst the fallout of the agonisingly close win for the pro-devolution camp in the referendum, Pat McFadden urged the prime minister to 'question whether serving in this body should be a full time job' noting that 'most regional parliaments elsewhere in the world only meet 50–100 days a year'. In a particularly telling aside, McFadden highlighted that, unlike those other regional parliaments, the 'Welsh body will not have legislative powers', and pondered if the Assembly's members were 'all full time what are they going to do all year'. Instead, he floated letting MPs run for election to hold a dual mandate as Assembly members.⁴⁰

One of the ironies of this minimalist approach to Welsh devolution, is that McFadden had appeared to concede, in a separate exchange with Jonathan Powell, that a fundamental reason why the No campaign were able to wage an unnervingly (for the UK government and pro-devolution campaigners) effective campaign against devolution was the weakness of the proposition on offer. According to McFadden, the 'real reason these attacks [on the cost of the Assembly and 'jobs for the boys'] were successful was because we could not advance a good positive reason for having an Assembly. In other words the cost would have been more defensible if it was for something people thought was worth having'.⁴¹ This seems to be a fairly clear acknowledgement that the minimalist approach to devolution had made it harder to galvanise public support in favour of an Assembly, and yet McFadden's prescription appeared to be a doubling down on minimalism by floating a part-time body populated by dual mandate politicians. This was a line of thought which, had it carried the day, would have resulted in a further watering down of the already modest scope of the government's Welsh devolution proposals.

Main Themes from the Cabinet Papers, Part 2: The Dominant Policy Questions

Titles

A particularly powerful case study of the minimalist approach to devolution and a subject which attracted significant attention in its own right within the government, including from the prime minister and his senior officials, was the issue of what titles should be given to senior members of the Assembly. It is worth remembering that the Assembly was envisaged as a body corporate, with no formal split between executive and Assembly, and it had not been suggested that those serving in the executive committee would be ministers of the crown.

The issue of titles first began to raise concern within the centre of government during the preliminary stages of drafting the Welsh devolution white paper. Writing to the Welsh Office on 30 June 1997, the prime minister's private secretary, Angus Lapsley, offered the prime minister's reactions to the draft white paper. The main points emphasised in the letter included a reiteration that what was being proposed was devolution not federalism

³⁹TNA, PREM 49/19: letter from A. Lapsley to J. Milligan, 30 June 1997.

⁴⁰TNA, PREM 49/22: letter from P. McFadden to T. Blair, 21 Oct. 1997.

⁴¹TNA, PREM 49/21: letter from P. McFadden to J. Powell, 8 Oct. 1997.

(e.g. 'these proposals will not limit the power of Parliament'), that Wales would continue to be represented in EU institutions by the UK government, and stressing that the Assembly's remit would be over specifically Welsh bodies and not 'UK/GB bodies which will still be accountable to the Westminster Parliament'.⁴² However, the letter also mentioned the 'titles of Ministers and leader'. At this point, the Welsh Office had proposed leaving this decision to the Assembly. Noting the decision taken by the Scottish Office to set out the titles in their white paper, Lapsley warned that leaving the issue open raised 'the prospect of someone trying to call himself the Welsh Prime Minister or even President'. Instead, Lapsley suggested the Welsh Office should consider adopting 'the Scottish titles of First Minister etc.'

Responding for the Welsh Office to Lapsley's letter, June Milligan highlighted the steps which the department had taken to redraft the white paper in light of the prime minister's comments. However, while the white paper had been redrafted to tighten up and clarify language regarding the powers of the Assembly and the continuing sovereignty of the UK Parliament, Milligan reiterated Ron Davies's belief that it was better for the white paper to not specify titles for senior members of the Assembly. According to Milligan, Davies was concerned that this 'might invite controversy over the language chosen, and on balance he would prefer to leave this to the Assembly'.⁴³

While the white paper went on to use the term 'leader' for the head of the executive committee of the Assembly, the Welsh Office might have regretted their failure to accept Lapsley's suggestion of adopting the titles used in the Scottish white paper (first minister and ministers). For, when the question of titles reappeared, it would prompt an intense debate within government, with a broad range of ministers emphasising titles which highlighted the subordinate status of the Assembly.

This debate re-emerged in early September when Ron Davies wrote to Lord Irvine indicating that he had decided that the titles of leading figures in the Assembly should be set out in the Government of Wales Bill. According to Davies, the titles in question should be first minister and ministers, as was proposed for Scotland – although Davies noted that Welsh ministers would not be ministers of the crown. Using those titles, he claimed, 'would prevent the Assembly adopting titles that we might consider inappropriate or provocative' (a nod to the concerns raised by Number 10). It would also, and from a campaign perspective, crucially counter the claim that the Assembly is 'merely an extension of local government', and would 'avoid any confusion with titles that are in common usage in local government'. Using the titles that had been opted for in Scotland would also, Davies argued, be a recognition of the fact that the Assembly 'would be taking decisions currently taken by Ministers'.⁴⁴

Following this correspondence, Lapsley wrote to the prime minister on 10 September to discuss the issue. Despite having proffered the Scottish model to Davies in June, Lapsley now asked the prime minister to consider whether it sent 'a signal about the nature of the Assembly with which you are happy'. Indeed, he suggested that using the title minister would undermine the government's argument that the Assembly 'is about running public services better in Wales, and not about an extra layer of position obsessed politicians'. His

⁴²TNA, PREM 49/19: letter from Angus Lapsley to June Milligan, 30 June 1997.

⁴³TNA, PREM 49/19: letter from June Milligan to Angus Lapsley, 8 July 1997.

⁴⁴TNA, PREM 49/21: letter from Ron Davies to Lord Irvine, 5 Sept. 1997.

note also highlighted that the members of the Welsh executive would not be ministers of the crown, indicating that this was ‘another argument’ against bestowing the titles of ministers to them. This seemed to be particularly persuasive to the prime minister, who drew a line next to this sentence and noted ‘this is a good reason’.

Lapsley’s memo went on to counsel that Davies would respond to any scepticism by suggesting that ‘alternatives such as Chief Executive, Leader, Convenor, will make it sound like a further branch of local government’. Nonetheless, he invited the prime minister to agree to Lapsley writing to Davies ‘saying that you do not like the title Minister and that you would like him to explore alternatives which stress the role of the executive in delivering services’.⁴⁵

The prime minister’s consent was forthcoming and, accordingly, on 15 September Lapsley wrote again to June Milligan explaining that the prime minister saw two problems with the case for using the titles first minister and ministers in Wales. The first problem, as noted above, was that it was not proposed that the Welsh devolved ministers would be ministers of the crown. According to Lapsley, ‘the Prime Minister feels that this in itself is a good reason not to use the title Minister’. The second reason was the argument that bestowing the titles of ministers would play ‘into the hands of those who would argue that the Assembly is primarily about creating a new tier of political activity’. Lapsley instead suggested that the prime minister would ‘prefer titles that better reflect the assembly’s aims of delivering better public services and working with business, such as “Chief Executive”’.⁴⁶

It therefore seemed like the Assembly would be bestowed with the local government type of nomenclature which Davies had feared. The debate about Assembly titles continued with an intervention from the home secretary on 18 September. According to Jack Straw, it was ‘essential’ that the Assembly be prevented from ‘adopting inappropriate titles’, and that the titles used should be set out in the devolution legislation. In terms of what those titles should be, Straw was emphatic that they should not be those being mooted for the Scottish executive. According to Straw, using the same titles would create a ‘risk of confusion’ and give the ‘wholly misleading’ impression that members of the Welsh Assembly’s executive committee were ministers of the crown ‘and that he or she has more powers than is the case’. Straw expressed doubt as to ‘whether there is a better title’ than that of leader (as used in the white paper) and suggested that other figures in the executive ‘might best be called what they are – executive members’.⁴⁷

The deputy prime minister, John Prescott, wrote to Davies on 24 September offering his thoughts on the titles question. In a similar manner to the interventions from Number 10 and the home secretary, Prescott informed Davies that he did not consider ‘Minister’ to accurately ‘represent the nature of Executive Committee members’ powers and a different title might be more appropriate’. He therefore suggested that it ‘may be more satisfactory to adopt a different set of titles altogether, for example “Executives of the Assembly” and “Chief Executive”’.⁴⁸

After a brief interlude, the debate about titles resumed in November 1997 ahead of the publication of the Government of Wales Bill. On 18 November, a day after a meeting of

⁴⁵TNA, PREM 49/21: memo from Lapsley to the prime minister, 10 Sept. 1997.

⁴⁶TNA, PREM 49/21: letter from Lapsley to Milligan, 15 Sept. 1997.

⁴⁷TNA, PREM 49/21: letter from Straw to Lord Irvine, 18 Sept. 1997.

⁴⁸TNA, PREM 49/21: letter from Prescott to Davies, 24 Sept. 1997.

DSWR, Ron Davies wrote to Lord Irvine with an updated set of proposals. Davies's letter acknowledged that 'unlike the case of members of the Scottish Executive, it will not be acceptable to colleagues for these leading figures to be called Ministers'. Instead, Davies proposed that 'the person elected by the Assembly to lead it should be called the Assembly First Secretary, and those elected to lead its subject committees should be called Assembly Secretaries'. Such terminology, according to Davies, would achieve the dual objectives of making 'clear that these people's responsibilities relate exclusively to the Assembly's work without fear of confusion with Ministers of the Crown' and at the same time 'also give them a proper status as important figures in our devolution policy'. Davies doubled down on this latter point, reminding the prime minister of its 'presentational importance [...] given that comparisons will inevitably be made with the use of the term "Minister" in the Scottish Bill'.⁴⁹

These proposals received the official seal of approval from Number 10, with Lapsley's annotated comments on the letter saying that it seemed fine to him and Pat McFadden and Blair providing a large tick next to the proposals. On 20 November, Lapsley wrote to June Milligan in the Welsh Office to confirm this, telling her that the prime minister appreciated 'the efforts that your Secretary of State has made to find an acceptable set of titles and would have no objection to what is now proposed'.⁵⁰ While Jack Straw continued to believe that the title 'leader' was sufficient⁵¹ and John Morris (the then attorney general and former Welsh secretary) suggested the title chief secretary⁵² (prompting a counter-attack from the then chief secretary to the treasury, Alistair Darling),⁵³ DSWR and the wider cabinet endorsed Davies's proposals.⁵⁴ However, and as another reminder of how concerned Whitehall was about rogue decision making by devolved bodies, Lord Irvine wrote to Davies on 24 November to also insist that the Government of Wales Bill made clear provision for the titles of the presiding and deputy presiding officer, to close 'off any option for the Assembly to adopt the title of "Speaker"'.⁵⁵ In the end, the devolution legislation made provision for an Assembly first secretary, and secretaries, as well as a presiding officer and deputy presiding officer.⁵⁶

Power of Summons

Another area which exercised ministerial attention lay in the power of the Assembly and its committees to summon witnesses. Lapsley's letter of 30 June included a number of

⁴⁹TNA, PREM 49/22: letter from Davies to Lord Irvine, 18 Nov. 1997.

⁵⁰TNA, PREM 49/22: letter from Lapsley to Milligan, 20 Nov. 1997.

⁵¹TNA, PREM 49/22: letter from Jack Straw to Lord Irvine, 20 Nov. 1997.

⁵²TNA, PREM 49/22: letter from John Morris to Lord Irvine, 18 Nov. 1997.

⁵³TNA, PREM 49/22: letter from Alistair Darling to Lord Irvine, 20 Nov. 1997.

⁵⁴TNA, PREM 49/22: letter from Lord Irvine to Ron Davies, 24 Nov. 1997.

⁵⁵TNA, PREM 49/22: letter from Lord Irvine to Ron Davies, 24 Nov. 1997.

⁵⁶The devolution legislation (the Government of Wales Act 1998) was also amended during its passage through parliament in a manner which moved towards a more conventional cabinet style of administration. The Assembly first secretary was, crucially, provided with the means to appoint and dismiss Assembly secretaries (rather than such powers being bestowed, as was originally envisaged, to the subject committees); Richard Rawlings, 'The New Model Wales', *Journal of Law and Society*, xxv (1998), 477–80; Hansard, *Commons Debates*, 6th ser., ccix, cols 538–610: 25 Mar. 1998.

references to this issue, with the Welsh Office informed of Number 10's strong opinion that any power of summons would extend to 'specifically Welsh bodies' which were 'under the control of the Assembly' and 'not to UK/GB bodies which will still be accountable to the Westminster Parliament'.⁵⁷

On 7 October, Ron Davies wrote to Lord Irvine to flesh out his proposals for a power of summons for the Assembly. Davies began by noting that DSWR had agreed on 26 June that it was 'reasonable that the Scottish Parliament should have power to require reports and summon witnesses in relation to UK/GB bodies operating in "devolved areas"', to criminal sanctions for failure to comply with a summons from the Scottish Parliament and had agreed that Davies 'should consider how to do the same for Wales'. Davies had concluded that the same approach should be adopted for Wales, but acknowledging the differences in the Welsh model (and perhaps mindful of the steer provided by Number 10 in the Summer), he argued that the government 'should limit the list of bodies that the Assembly could summons to those operating in functional areas in which the Assembly will have responsibilities'. The power of summons would apply strictly to 'a defined list of public bodies' which would be set out in the devolution legislation, would apply only to 'serving members of officers' of the relevant bodies, and would 'not extend to Government departments', Welsh local authorities and a 'a very wide range of other public bodies that operate in Wales such as the Post Office and the Equal Opportunities Commission'. While the Assembly could invite witnesses from such bodies to attend, 'it could not force them to do so'.⁵⁸

Notwithstanding the basis of Davies's proposals in the agreement reached by DSWR for Scotland, and their limited nature, they nonetheless resulted in nervous response from some of his fellow ministers. Chief among those was the deputy prime minister, John Prescott. Prescott was particularly wary of the Assembly having a legally enforceable power of summons. Writing to Ron Davies on 20 October, Prescott expressed his concerns at the potential for a power of summons to be 'unduly heavy handed compared with the process used by the Westminster Parliament'. The powers of Westminster select committees to send for persons, papers and records⁵⁹ had, Prescott argued, 'functioned effectively by negotiations and agreement for 20 years [since the advent of the departmental select committee system in 1979]' and he argued that it would be 'asymmetrical for the Welsh Assembly to be able to insist, for example, that a particular official should appear before them or a particular document should be disclosed when a Westminster Select Committee has no such effective power'.⁶⁰ Prescott's concerns were clearly not assuaged by Davies, for on 17 November, he wrote to the lord chancellor repeating his concerns that the Assembly could choose to interpret any legal powers 'literally [and] it could prove very heavy handed compared with the approach taken at Westminster, particularly in relation to the production of documents'. He finished his correspondence by expressing his clear preference that the Assembly's powers in this regard should 'be in line with those of the Westminster Parliament'.⁶¹

⁵⁷TNA, PREM 49/19: letter from A. Lapsley to J. Milligan, 30 June 1997.

⁵⁸TNA, PREM 49/21: letter from R. Davies to D. Irvine, 7 Oct. 1997.

⁵⁹For a useful guide to the House's PPR powers, see: Committee of Privileges, *First Report* (HC, 2019–21, 350).

⁶⁰TNA, PREM 49/22: letter from J. Prescott to R. Davies, 20 Oct. 1997.

⁶¹TNA, PREM 49/22: letter from J. Prescott to D. Irvine, 17 Nov. 1997.

Prescott was not the only senior Labour minister with misgivings about the power of summons. For example, the president of the board of trade, and former deputy leader of the Labour Party, Margaret Beckett, wrote to Ron Davies on 16 October to remind the Welsh secretary that all of the public bodies related to her department operated in areas which were reserved and would therefore not be subject to the Assembly's power of summons, and to also stress her opinion that 'the power of summons should not apply to any matter for which the Assembly does not have responsibilities'.⁶² However, on the other end of the spectrum, Jack Cunningham, the minister for agriculture, fisheries and food, wrote to Davies to advise him that the Welsh Office had missed out some important bodies that operated in Wales and to let him know that his officials were working with the Welsh Office 'to ensure that all the bodies to which the power of summons should apply are included in the list'.⁶³

Davies stood his ground in response to Prescott's opposition. Writing to the deputy prime minister on 26 November, Davies told him in a rather direct fashion that DSWR had 'accepted my proposals on the power of summons, and I therefore do not propose to change the drafting of my Bill' which, as he reminded Prescott, was 'in line with the Scotland Bill'.⁶⁴

Accommodation

Another issue which featured prominently in the 1997 cabinet papers on devolution was the question of where the Welsh Assembly should be housed. The Assembly's accommodation proved to be a long-running and publicly divisive subject in Welsh politics during the early years of the Assembly's existence, with legal battles, cost overruns and project delays prior to the opening of the Senedd building in 2006. However, the main consideration in 1997 was where the building should be based.

The government's Welsh devolution white paper, *A Voice for Wales*, had proposed that the Assembly be based in Cardiff, with costs for buying and developing a venue estimated as likely to be somewhere between £12 and 17 million. A scoping exercise, reviewing potential sites in Cardiff for an Assembly, was undertaken on behalf of the Welsh Office between June and September 1997, concluding with the Welsh Office opting in favour of Cardiff City Hall. Accordingly, in September 1997, following the outcome of the devolution referendum, the Welsh Office began negotiations with Cardiff County Council regarding the purchase of City Hall.⁶⁵

The negotiations between the Welsh Office and Cardiff Council's pugnacious leader, Russell Goodway, proved ill-fated and acrimonious. By mid-November, the need to make a decision regarding the negotiations for City Hall was reaching a critical point. It was at this time that Swansea emerged as a serious contender for the home of the Assembly. While Swansea was Wales's second city, it had voted in favour of establishing devolution (unlike

⁶²TNA, PREM 49/22: letter from M. Beckett to R. Davies, 16 Oct. 1997.

⁶³TNA, PREM 49/22: letter from J. Cunningham to R. Davies, 15 Oct. 1997.

⁶⁴TNA, PREM. 49/22: letter from R. Davies to J. Prescott, 26 Nov. 1997.

⁶⁵Auditor General for Wales, *Accommodation Arrangements for the National Assembly for Wales* (Cardiff, 2000), 5–10.

her bitter rivals in Cardiff). Swansea also offered a plausible venue for an Assembly in the form of its Guildhall building.⁶⁶

On 14 November, the permanent secretary of the Welsh Office, Rachel Lomax, sent a memo to Ron Davies to discuss the purchase of City Hall. At that point, the Welsh Office was willing to make an opening offer of £2.5 million for City Hall; Lomax's memo sought to formally remind the secretary of state of the work which had been undertaken by the department to consider other options for housing the Assembly. Such work had indicated that 'there are cheaper locations for the Assembly in Cardiff, and an even cheaper location at the civic centre in Swansea'.

Indeed, the opening offer to buy City Hall, 'together with necessary works to renovate and adapt the building, will bring the capital costs of housing the Assembly above the top of the £12–17m range published in the White Paper'.⁶⁷ According to Lomax, the total costs for City Hall were estimated to be £30.8 million in capital costs and £1.7 million in running costs – although she noted that capital costs could be phased with an initial expenditure of £17 million (importantly the ceiling of the accommodation costs suggested in the white paper), followed by the remaining £14 million being spread out over seven years. These costs were in stark contrast to the cheapest Cardiff option: a new build and Crickhowell House in Cardiff Bay with a temporary chamber in the Temple of Peace (based in Cardiff city centre) which would have capital costs of £17.3 million and £0.9 million running costs; and the cheapest overall option: Swansea Civic Centre, which would include an estimated £10.7 million in capital costs and £1.3–1.8 million in running costs.⁶⁸

Lomax's memo summed up by recalling that they had both agreed that it 'would be defensible on policy grounds to pay more to secure City Hall in view of its locational advantages and its status as a unique public building which already commands wide support as a fitting home for the Assembly'. Moreover, they had already recognised 'the likely need to find a suitable alternative future use for City Hall' (even if the Assembly were not to be based there) and that such a use could incur substantial costs 'in the region of £10m and possibly more [...] to bring it up to minimum acceptable standards for a historic building' of national importance. However, Lomax also warned that, 'on the information now available to me, I would have great difficulty in defending a purchase price in excess of market value, in view of the availability of significantly less expensive alternative homes for the Assembly inside Cardiff as well as further afield'.⁶⁹

On 20 November, Angus Lapsley wrote to Pat McFadden to ring the alarm bell that Swansea might end up as the home of the Assembly. According to Lapsley, he had been informed by officials in the Welsh Office that Davies was 'close to concluding that the Welsh assembly should be in Swansea, not Cardiff as foreseen by the White Paper'. The problem, he noted, was money, with Swansea set to cost £17 million, as opposed to £30 million for Cardiff City Hall. Such a large gulf in costs, he observed, ought to make it a simple decision, however, Lapsley appeared to be highly suspicious of the whole situation. He suggested to McFadden that there were personal differences at play, noting that 'Ron and

⁶⁶TNA, PREM 49/22: letter from R. Davies to T. Blair, date 25 Nov. 1997; Auditor General for Wales, *Accommodation Arrangements*, 13–18.

⁶⁷TNA, PREM 49/22: memo from R. Lomax to R. Davies, 14 Nov. 1997.

⁶⁸TNA, PREM 49/22: memo from R. Lomax to R. Davies, 14 Nov. 1997.

⁶⁹TNA, PREM 49/22: memo from R. Lomax to R. Davies, 14 Nov. 1997.

Cardiff Council are not, I gather, close'. Clearly of the impression that the local authority and Welsh Office were both playing a high stakes card game, Lapsley feared that, if the local authority 'have their bluff called in this way, the Government will find it hard to turn around the decision later when they find that actually it will only cost £15m and a campaign is started to "bring the assembly home"'.⁷⁰

On 21 November, the permanent secretary wrote again to Davies, expressing much starker doubts about City Hall and whether Cardiff should be favoured at all. Lomax recounted the reasons which the secretary of state had previously given for favouring City Hall, principally timing – 'it was the only location which seemed to offer a prospect of a permanent home by May 1999' – and City Hall being an 'important national monument which (we thought) had no alternative use, and which was likely to become our responsibility, at least in part'. The assumptions underpinning both reasons were now, in her opinion, 'in question'. On timing, the Welsh Office's property advisers 'are now saying they do not believe the timetable [moving in for May 1999] is achievable, given their experience of the business methods of Cardiff Council and the slippage so far'. While in terms of the future of City Hall, Lomax noted that Cardiff Council had claimed that they had 'firm plans to continue to occupy all the facilities of City Hall for the foreseeable future'. According to Lomax, both of these factors 'throw serious doubt on whether City Hall offers an acceptable solution, in *vfm* [value for money] terms, even if it could be secured for our original price'.⁷¹

A few days after Lomax's memorandum to Ron Davies, Angus Lapsley wrote to the prime minister to discuss the site question. Lapsley's letter repeated a number of the points mentioned in his earlier correspondence to Pat McFadden, warning that Davies was 'currently minded to give the Welsh Assembly to Swansea' due to the costs of his preferred location of Cardiff. Lapsley told Blair that neither he nor Pat were 'very comfortable about this', suggesting that it was bound to trigger a campaign in Cardiff for the Assembly to be based there. Lapsley also once again aired his suspicions about the whole issue, suggesting that there was 'an element of Welsh murkiness about all this', with Cardiff Council thinking 'that they can name their price'.⁷²

On 25 November, Ron Davies wrote to the prime minister to inform him of the progress, or lack of, in securing City Hall. Davies advised the prime minister that protracted negotiations with Cardiff Council had ended the previous day when the council rejected his £3.5 million offer, an offer which was 'at the outer limit of my budgetary discretion since the need for repair and upgrading of the dilapidated facilities would have raised the total cost of establishing the Assembly there to up to £32m, well beyond the set-up costs of £12–17m estimated in the White Paper'.⁷³

Davies reminded the prime minister that the cabinet's legislation committee had approved the Government of Wales Bill that very day for introduction to parliament, a decision made (in part) on the basis of a financial memorandum figure of £17 million for the Assembly's accommodation costs. According to Davies, keeping City Hall in play when its total

⁷⁰TNA, PREM 49/22: memo from A. Lapsley to P. McFadden, 20 Nov. 1997.

⁷¹TNA, PREM 49/22: memo from R. Lomax to R. Davies, 21 Nov. 1997.

⁷²TNA, PREM 49/22: memo from A. Lapsley to T. Blair, 24 Nov. 1997.

⁷³TNA, PREM 49/22: letter from R. Davies to T. Blair, 25 Nov. 1997.

costs could have been in excess of £32 million ‘would have created intractable political difficulties for the passage of the Bill’, and he had therefore decided it was not a ‘viable option’.

Cheerfully, Davies advised Blair that he had some ‘excellent alternatives’, including ‘a combination of temporary accommodation and a new building in Cardiff, and either temporary or permanent location of the Assembly in the Guildhall, Swansea’. Both of which could fit, he believed, in the £17 million envelope. According to Davies, ‘Swansea has been maintained in excellent condition, has decent public and disabled access and could accommodate our IT and communication needs’. Swansea Council was ‘predictably eager to host the Assembly’, resulting in them agreeing to terms which would have left sufficient headroom in the £17 million budget to invest in the rather vague proposal of ‘an all-Wales network of IT, communications and broadcasting’.⁷⁴

Swansea, at this point, was clearly the Welsh Office favourite. However, Davies conceded that he did not think it was ‘politically viable simply for me to decide on an alternative [to Cardiff] and announce it’. He therefore proposed to publish a consultation, in time for the second reading of the Welsh Devolution Bill, ‘setting out the various options – which include a temporary home in Cardiff and new build – and indicating the combination of Swansea and the all-Wales network as my preferred first choice’. While Lapsley’s comments on this letter record his agreement that delaying the decision and consulting was the right decision, Blair’s response was rather more matter of fact, asking Angus if he could ‘sort out Russell [Goodway]’ and stressing that ‘we need [the] Assembly in Cardiff’.⁷⁵

The Welsh Office launched its consultation in December 1997 and invited proposals from across Wales. They received 24 proposals in total, from private developers and public bodies. From this list, ten sites were shortlisted and then subjected to a detailed appraisal. Swansea’s Guildhall was ranked first in terms of cost and in terms of offering a home from day one. However, a variety of options were shortlisted in relation to ‘Capital Waterside’, a proposal from the Grosvenor group that included Crickhowell House (at that point leased to the Welsh Office) and land near the Pierhead Building in Cardiff Bay. Ultimately, it was decided that the Assembly would rent Crickhowell House (to provide an immediate temporary chamber and committee rooms, as well as permanent offices for members and staff), buy adjacent land to develop a new building for the Assembly and buy the Pierhead building.⁷⁶

Conclusion

The introduction of devolved government for Scotland and Wales was a significant moment for the UK’s territorial constitution; indeed it has formed a central pillar of what Vernon Bogdanor has described as the shift to a new British constitution.⁷⁷ However, while devolution may have been a revolutionary change to the way the UK (or rather Great Britain) is governed, in Wales it was in many respects a quiet revolution. The proposals on

⁷⁴TNA, PREM 49/22: letter from R. Davies to T. Blair, 25 Nov. 1997.

⁷⁵Annotated comments from A. Lapsley and T. Blair on TNA, PREM 49/22: letter from R. Davies to T. Blair, 25 Nov. 1997.

⁷⁶Auditor General for Wales, *Accommodation Arrangements*, 14–21.

⁷⁷Vernon Bogdanor, *The New British Constitution* (2009).

offer for Wales were, in comparison to Scotland, modest in scope and confusing in detail. As the cabinet papers discussed in this article outline, the limited offering put forward for Wales was both shaped, and reinforced by, attitudes within the centre of the New Labour government which clearly saw Welsh devolution as a second order issue and which were defined by a minimalist approach to the subject. The policy questions which dominated the limited discussion that was afforded to Welsh devolution within both the cabinet and its DSWR committee are a testament to this minimalist mindset: with questions such as the titles of leading members and the power of the Assembly to summon witnesses attracting disproportionate attention. So too did the question of where the Assembly should be located.

It has become a cliché that articles on Welsh devolution should make some reference to Ron Davies's statement that 'devolution is a process and not an event'.⁷⁸ As these papers demonstrate, Ron Davies and the Welsh Office had to go to considerable effort, in the face of apathy and antipathy, for Welsh devolution to become a reality, let alone for it to develop any form of evolutionary momentum.

⁷⁸Ron Davies, *Devolution: A Process Not an Event* (Cardiff, 1998), 1.