

# Pre-appointment hearing – Chair of the National Infrastructure Commission

October 2021

## 1. Introduction

1. On 30 September 2021, the Committee held a pre-appointment hearing with Dr David Clubb, the Welsh Government's preferred candidate for the position of Chair of the National Infrastructure Commission of Wales (NICW). The meeting transcript is available on the Committee's website.
2. A letter from the Deputy Minister in relation to the pre-appointment hearing is included at Annex A. The Committee is grateful to the Deputy Minister for Climate Change for ensuring that the Committee had the opportunity to undertake this hearing.

## Background

3. The NICW was established in 2018 as a non-statutory body to advise and make recommendations to Welsh Ministers on the economic and environmental infrastructure needs of Wales – devolved and non-devolved – over 5 to 30 years including energy, transport, water and sewage, drainage, waste, digital communications, and flooding/coastal erosion. It is required to produce:

- an annual report;
- a three yearly "state of the nation" report offering a view of the current state of Welsh economic and environmental infrastructure with recommendations; and
- occasional reports on infrastructure matters as it sees fit.

4. The current NICW remit letter and terms of reference are published on the Welsh Government website.



## 2. The recruitment process

- 5.** A note (see Annex B) provided to the Committee about the recruitment process said the Deputy Minister had met with NICW in June 2021 and “taking into account the views of the current commission undertook to take action on refining the focus of NICW and move forward on appointments to the commission”.
- 6.** In his letter to the Committee, the Deputy Minister for Climate Change indicated that Dr David Clubb was his preferred candidate for the role of Chair of the NICW. He said his intention was to appoint Dr Clubb for three years “assuming a satisfactory scrutiny report”.
- 7.** This is a direct appointment by the Deputy Minister and there has not been an open application process. In his letter, the Deputy Minister said the Commission had “lost some momentum over the last year” and a lengthy recruitment campaign could “exacerbate uncertainty” over the Commission’s purpose.
- 8.** A note (see Annex B) provided to the Committee by the Welsh Government said that: “A previous recruitment campaign to appoint a substantive chair, run in autumn 2019 identified a number of appointable candidates”.

### Our view

We believe that roles such as this should be subject to open recruitment, unless there are exceptional circumstances that mean they cannot. This will ensure the best possible candidates from a diversity of backgrounds are able to apply.

We note that “a number” of appointable candidates were identified as a result of the 2019 recruitment exercise. It is unclear whether Dr Clubb was one of those candidates. If not, it is unclear why those appointable candidates were not provided with the opportunity to apply on this occasion.

We note that the Deputy Minister has sought to progress the appointment of the Chair of the NICW at pace. Dr Clubb told us he has already commenced his work. This is not desirable as the Committee would want to avoid a situation where the integrity of the pre-appointment process could be called into question.

### The suitability of the Chair designate

**9.** A profile (Annex C) submitted to the Committee in advance of the hearing described Dr Clubb as:

*"an expert in energy policy, public affairs and digital communication, having worked in the energy and environment sectors for nearly two decades. He is a Founding Partner at Afallen LLP, which supports organisations and businesses across Wales in delivery using Future Generations frameworks. He was previously Head of Digital at RenewableUK and Director at RenewableUK Cymru."*

**10.** During the pre-appointment hearing, Dr Clubb explained that he had worked in the renewables sector for 20 years in the public, private and third sectors in Spain, Wales, England, and Denmark. He said he had a good understanding of the energy sector and had "managed major projects" and had "been chair of a board and I've been a member of several boards".

### **Potential conflicts of interest**

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**11.** Ripple Energy played a role in the development of the Graig Fatha wind farm, a planned community-owned wind farm, which received £1.1m from the Welsh Government in March 2021. In response to a question in relation to his role as a founding Director of Ripple Energy, Dr Clubb told the Committee he would be "stepping down at the annual general meeting" on 12 October 2021. Dr Clubb went on to explain that:

*"Ripple Energy is a company that was set up to develop co-operative windfarms to make electricity available cheaper for the users and to help promote renewable energy. Their executive team is the one that carries out all of the work on the development and the financing. I had no influence on either side—either Ripple or on the Welsh Government side."*

**12.** Dr Clubb is also a member of the Welsh Government's Women in STEM Board and was asked whether this might cause him any difficulties. He responded that he had considered leaving the Board, but he had concluded that his participation in the Board would help to hold him accountable for the Commission's approach. He explained:

*"I think my involvement in that board, hopefully, is going to keep me straight, when I'm operating through the commission, and the reason that I want to keep an involvement is that clearly there's a relationship between STEM and infrastructure. So, hopefully, there's a two-way benefit there."*

**13.** In relation to any other potential conflicts of interest, Dr Clubb said that Afallen LLP "works with energy projects and, in principle, infrastructure as well." He said that "we have decided, as a

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company, that I'm not going to work on projects that include energy or infrastructure over the next three years, while I am chair of the commission." He went on to explain that:

*"Afallen is a partner in projects that are trying to develop wind energy at sea, and, because of this, I'm not going to work for Hiraeth Energy on anything that's related to stakeholder engagement. So, I can't see any information through Afallen about renewable energy or infrastructure, and I'm not going to lobby or have a relationship with the stakeholders of Hiraeth either."*

**14.** Dr Clubb told the Committee that he had discussed this proposed arrangement with Welsh Government officials, and they were content to proceed on this basis. Dr Clubb added that "if there's anything that does change in terms of my work, I'll go straight back to the Government and explain what I'm going to do to keep a difference, to keep that line, between the commission's work and private work."

**15.** In terms of transparency, Dr Clubb confirmed that he "would want to get my details into that register of interests as soon as possible, and the same for any new commissioners. I don't think there should be any delay. It's a straightforward exercise".

## Our view

Based on our pre-appointment hearing, we are satisfied that Dr Clubb demonstrates an understanding of the Welsh Government's economic principles, aims and objectives, and the Well-being of Future Generations (Wales) Act 2015. He has an understanding of Welsh infrastructure and the opportunities and constraints within which the Commission will operate. However, it should be noted that due to the absence of any documentation such as a job description, it is not possible to comment in detail on the extent to which Dr Clubb meets the criteria to fulfill the role.

We note several potential areas for conflict of interests resulting from Dr Clubb's appointment and are pleased he has given commitments on record that they will be addressed.

## The Chair designate's ambitions for the Commission

### The operation of the Commission

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**16.** Dr Clubb said he intended for the new Commission to have fewer members and that it would include a deputy chair. He said he intended that the Commission would "be not less than 50 per cent female, and should, as far as I am able, reflect the diversity and demographics of Wales as a whole".

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**17.** Asked about how he would ensure a strong team ethos and joint working between commissioners, Dr Clubb responded that he would be “providing some hopefully strong steer on the recruitment process.” He said he “would expect people to know that we’re going to work very strongly as a team and that we’re going to stand alongside each other, and agree on positions as a commission, and then back each other up on that”.

**18.** Dr Clubb also referred to communicating the Commission’s work and related issues to the public. He said, “one of the likely skill sets that I’ll be looking for in the new commissioners will be somebody who has experience of communicating very challenging concepts to large numbers of people”.

## **Funding and resources**

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**19.** Dr Clubb acknowledged that the Commission “is an unusual one in that it doesn’t have a large secretariat or dedicated staff, or indeed a ring-fenced budget.” He explained that his approach would involve making a “case-by-case project application” across three years “that will enable me or the commission to deliver work that is of strong value to Welsh society and hopefully to Welsh Government and other stakeholders”.

**20.** Dr Clubb explained how the project-based approach might work in practice:

*“I will ask the best academic and private sector and public sector practitioners to join a project board. We’ll have probably two of our commissioners sit on that board to be able to report back. And, over the course of the project, we would hope that that board would provide a huge amount of expert steer and support to whoever’s carrying out the project work in order to ensure that all of the correct links are being made and all the right evidence is going in.”*

## **Independence from Welsh Government**

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**21.** In 2019, the Economy, Infrastructure and Skills Committee expressed concerns about lines of accountability and the need to ensure that the NICW can operate independently of the Welsh Government.

**22.** Dr Clubb was asked whether the fact that the Commission will continue to be supported by Welsh Government officials might lead to a perception of a lack of independence. Dr Clubb emphasised that, despite the staffing arrangement, the Commission would be “independent in terms of the thought process of the commission and what we will suggest for our work plan over three years.” He went on:

*"Of course, if we are reliant on Government for what they are prepared to pay for, it's not completely independent in the conventional sense. But, as a commission, I do feel that we need to be very robust, because we want to support the Government, but we also want to challenge them, and we need the kind of commission that can refuse to accept plans or statements from Government and also that can see where things are going really well."*

## **Remit of the Commission**

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**23.** In response to a question about the breadth of the Commission's remit, Dr Clubb recognised that it was broad, but he felt this would give the Commission flexibility to respond to "areas of work that are of a particular interest at a given time." He went on to say he would like to change one element of the Commission's remit - the time span of 5-30 years for the Commission's focus. He explained:

*"The back end of 30 years for me is not particularly helpful when we're looking at climate change impacts that are likely to roll out in a significant way over the next 70, 80 or 100 years. So, I'm going to have a dialogue with the Minister, hopefully, about changing that back end."*

## **Commission priorities**

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**24.** Dr Clubb said that he had been asked to take an initial look at renewable energy and he would be "taking some thoughts on that, probably, from the industry". He said he would be proposing to the Commission that it should develop an understanding of the "infrastructure we've got and what we're doing with it".

**25.** Dr Clubb said he would then like the Commission to consider the longer-term challenges of climate change adaptation. He went on to say that "if it turns out from consultation with stakeholders that there are some very, very pressing issues on infrastructure that we haven't considered as a commission to be really urgent, or, let's say, within that five to 10-year time frame, that work programme is up for grabs at the moment". He said he expected to spend much of his time over the following three months discussing such matters with stakeholders.

**26.** Dr Clubb added that the Commission would need to "make networks nationally and internationally", and he had made a start on this. He said the Commission would need to understand "how we can influence the UK infrastructure investment to come to Wales, how we can build bridges, metaphorically, between the UK National Infrastructure Commission and Wales, and with the UK Government departments".

## Our view

We were interested to hear about the Chair's vision for the Commission. We welcome his intention to ensure that the membership of the Commission reflects the diversity of Wales and his intention that no less than 50% of the Commission will be female.

Dr Clubb identified several early priorities. He recognised the resource constraints the Commission will be subject to and has thought about ways to overcome this. His suggested project-board approach appears to be a sensible way to address this challenge and will also serve to involve a variety of other expert voices in the work of the Commission.

We note Dr Clubb's assurances about the Commission's independence from Welsh Government. However, we also recognise that the NICW has been established in a very different way to equivalent bodies in other countries. We will keep this and the related matter of finance and resources under review.

Our intention is to invite the Chair of the Commission to attend a meeting of this Committee on an annual basis. We will wish to explore these issues in more depth and to consider the progress that has been made when we hold our next scrutiny session with the Chair of the Commission.

## Conclusion

We believe the preferred candidate is a fit and proper person to be appointed as Chair of the National Infrastructure Committee.

# Annex A

**Lee Waters AS/MS**  
**Y Dirprwy Weinidog Newid Hinsawdd**  
**Deputy Minister for Climate Change**

Eich cyf/Your ref  
Ein cyf/Our ref MA/LW/2768/21



**Llywodraeth Cymru**  
**Welsh Government**

Llyr Gruffydd MS  
Chair  
Climate Change, Environment, and Infrastructure Committee

[SeneddClimate@senedd.wales](mailto:SeneddClimate@senedd.wales)

21 September 2021

Dear Llyr

I am pleased to let you know that my preferred appointee for the Chair of the National Infrastructure Commission (NICW) for Wales is Dr David Clubb. Assuming a satisfactory scrutiny report by the Climate Change, Environment and Infrastructure Committee, I intend to appoint Dr Clubb for three years.

The NICW has functioned in a reduced capacity since March 2020, although commendably producing both an Annual Report and Report on Digital Communication in autumn 2020. Since becoming responsible for the NICW earlier this summer I have met commissioners and discussed how to re-energise and focus the role of the NICW. My main priority is the commitment to deliver across the decarbonisation agenda and therefore I am asking the NICW to focus here, in particular on the potential of renewable technologies. I am conscious the NICW had lost some momentum over the last year and a length recruitment campaign for a new chair could potentially exacerbate uncertainty over the purpose of the NICW.

With a refocused remit and purpose, an emphasis on the decarbonisation agenda and taking into account the outcomes of previous recruitment campaigns I decided to directly appoint Dr David Clubb as chair. Dr Clubb brings a wealth of expertise from the renewables sector along with a drive to deliver on assessing Wales' future infrastructure needs.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



I am interested in the committee's views on Dr Clubb's suitability for the role and his ambitions for the Commission.

I look forward to receiving the report of your pre-appointment hearing.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Lee', is centered within a light gray rectangular box.

**Lee Waters AS/MS**

Y Dirprwy Weinidog Newid Hinsawdd  
Deputy Minister for Climate Change

## Annex B

### **NICW Chair background note.**

1. The NICW was established in 2018 as a non-statutory body to advise and make recommendations to Welsh Ministers on Wales' economic and environmental infrastructure needs over the next five to thirty years. Prior to setting up the NICW, the Welsh Government consulted on how the Commission should be set up and run. The Economy Infrastructure and Skills (EIS) Committee also held an inquiry into the setting up of the Commission.
2. An outline terms of reference<sup>1</sup> for the National Infrastructure Commission for Wales was agreed by Cabinet in March 2017 and was further updated to extend the NICW's remit to include aspects of social infrastructure in 2019.
3. Following a public appointments exercise and a pre-appointment hearing with the Economy, Infrastructure and Skills (EIS) Committee, the former Cabinet Secretary for Economy & Transport appointed John Lloyd Jones OBE as interim Chair of the NICW for 12 months. Mr Lloyd Jones' initial term ended on 21<sup>st</sup> June 2019. His term has been extended on two occasions, most recently in November 2020 when he was asked to remain in post until a new government was able to appoint a permanent Chair following the May 2021 Senedd elections.
4. A previous recruitment campaign to appoint a substantive chair, run in autumn 2019 identified a number of appointable candidates. However the former appointing Minister decided not to appoint to the role. Mr Lloyd Jones' term was subsequently extended until a substantive chair was appointed.
5. To date the NICW has produced two annual reports<sup>2</sup>, the first setting out its priorities, and a report on Digital Communications Infrastructure in Wales. Due to the understandable constraints arising from the COVID-19 pandemic, the NICW has operated with reduced capacity during 2020 and 2021.
6. Responsibility for NICW came under the remit of the Deputy Minister for Climate Change in May 2021. The Deputy Minister met with NICW in June 2021 and taking into account the views of the current commission undertook to take action on refining the focus of NICW and move forward on appointments to the commission.
7. The prioritisation of Climate Change and decarbonisation requires a commission that can address matters such as Wales' long term energy infrastructure needs and therefore the Deputy Minister recommended Dr Clubb as a direct appointment to the role of chair.

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<sup>1</sup> [Terms of reference: National Infrastructure Commission for Wales | GOV.WALES](#)

<sup>2</sup> [National Infrastructure Commission for Wales: annual report 2019 | GOV.WALES](#)  
[National Infrastructure Commission for Wales: annual report 2020 | GOV.WALES](#)  
[Digital communications infrastructure in Wales: report | GOV.WALES](#)

## Annex C

### **Dr David Clubb**

#### **Chair Designate, National Infrastructure Commission for Wales**

Dr David Clubb is an expert in energy policy, public affairs and digital communication, having worked in the energy and environment sectors for nearly two decades. He is a Founding Partner at Afallen LLP, which supports organisations and businesses across Wales in delivery using Future Generations frameworks. He was previously Head of Digital at RenewableUK and Director at RenewableUK Cymru.

David is a Board Member and previous Chair of the Co-Pilot wind energy cooperative and a Member of the Welsh Government Diversity in STEM Board. He has also served on the Board of the Institute of Welsh Affairs and was a member of the Ministerial Strategic Energy Group for Welsh Government. David is a fluent Welsh speaker. He lives in Cardiff.