



Political and Constitutional Reform Committee

Oral evidence: [What next on the redrawing of Parliamentary boundaries?](#) HC 600

Thursday 27 November 2014

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Written evidence from witnesses:

- [Boundary Commission for England](#)
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Members present: Mr Graham Allen (Chair); Mr Christopher Chope, Tracey Crouch, Paul Flynn, Fabian Hamilton, Mr Andrew Turner

Questions 17 – 69

Witnesses: **Tony Bellringer**, Secretary, Boundary Commission for England, **Hugh Buchanan**, former Secretary, Boundary Commission for Scotland, **Isabel Drummond-Murray**, Secretary, Boundary Commission for Scotland, **Steve Halsall**, Secretary, Boundary Commission for Wales, and **Dr William Smith**, Member, Boundary Commission for Northern Ireland, gave evidence.

Chair: Since we have five witnesses, may I say that not everyone has to answer each question? It is possible to nod in acquiescence. If you shake your head, I will call you in. Rather than asking everybody to make an opening statement, which may take quite a bit of time, when you have your first question, by all means take the opportunity to range a little bit wider. If it is possible—I do not mean any disrespect to you at all—I would like to finish by about 11 am as that will allow Members to get to the Chamber because we expect the statement on Scottish devolution at about 11 am or 11.15 am. Thank you for coming. We look forward to hearing from you.

Q17 Mr Turner: Could you give us your view on how the sixth general review proceeded, compared with previous reviews?

Tony Bellringer: I guess that the overall impression of the sixth general review, or the 2013 review as we called it in England, was that it was a bit rushed. I think that was picked up in the previous evidence session. That was certainly the case at the start, given that the legislation that set the rules we had to work by was given Royal Assent just a month, I think, before we had to start. Even the timetable itself was rushed, which was probably not such an issue for other parts of the UK, but because the size of the task administratively in England is so much bigger, it was difficult to deliver in the time frame allowed. There are obvious issues around the way that the electoral quota and the tolerance from that worked, and the reduction in the number of MPs—I am sure that we will get on to that in more detail later. Those were the biggest things for us.

Q18 Mr Turner: What would have made looking at England more effective? For instance, could you do it in areas or something like that?

Tony Bellringer: We did split England into the regions. The difficulty is purely that there are so many more constituencies in England to deal with. The size of the task is so much bigger. Although we have more staff than the other commissions, we do not have proportionately the same number of staff that they do. There are economies of scale that we can work with.

The fifth review started in 2000, and reported at the end of 2006 and beginning of 2007; it took six years minimum to go around England and deliver a report. With the 2013 review, we had to do the whole job in just over two years.

Q19 Mr Turner: For the number of people in your department to be equivalent to Wales, Scotland or Northern Ireland, how many more people would you need?

Tony Bellringer: If you look at the basic figures in Scotland, Wales and Northern Ireland, the ratio is roughly one member of staff to 10 constituencies. If you looked at ours, it was about one member of staff to 20, so we would almost need to double our staff numbers. I stress that it was not really the issue of not having enough staff, although there was a little bit of that, but primarily the amount of time that we were allowed. It is not as easy as saying, “If you throw more staff or money at it, you can do the job.”

Hugh Buchanan: The other point to remember is that staffing is one part of it, but you have a commission, and it is the commission that makes decisions. The commission in each of the countries is identical in make-up and size. You are asking a very small group of individuals—a judge and two commissioners—to make decisions on a substantial number of areas.

Q20 Mr Turner: How big a difference did the new requirement of keeping it within a maximum of 5% make? What would have happened if that had been at 10%?

Tony Bellringer: It would have been more like the way it was in the old days when we had a bit more flexibility in how we designed the constituency. Essentially, the smaller you make the tolerance level from the actual quota, the harder it becomes to take into account properly the other factors that are mentioned in the Act, such as not breaking local ties, respecting local authority boundaries, and minimising change—admittedly, that was suspended for the first review explicitly in the Act, but even so we try to pay as much regard to that as possible because continuity is generally seen as a good thing. It was very significant, as 5% was quite a significant issue in terms of our being able to deliver on those other factors. We quite often had to decide to set those other factors aside

because the only mandatory one, as far as England was concerned, was the numerical one. Although there is a geographical size one, it does not touch England at all—we do not get anywhere near that.

Hugh Buchanan: To expand a bit on what Tony said, there are two elements. The Act introduced for the first time a specific inflexible numerical limit. Secondly, it applied that limit at 5%. As soon as you have introduced an inflexible mathematical limit, you introduce an extra stage in our work, which was not present before. Previously we had to assure reasonable parity. The reasonableness was a judgment that we made, and that judgment was, in part, numerically informed. But this time, Parliament gave us an arithmetic limit over which we could not stray. We therefore suddenly had to check numbers in a way and to a level of detail that we had previously not been required to do, so an awful lot more number crunching was required in the task. It added that extra stage of saying, “Does this look like a reasonable constituency?” “Yes.” “Does it meet the numerical limit?” “Wait a minute; I’ll need to spend a couple of days checking those numbers to tell you.” Any numerical limit adds that second stage.

Steve Halsall: In Wales, the impact of the 5% was substantial, particularly in conjunction with the application of a UK electoral quota that reduced the number of MPs in Wales from 40 to 30. Because there was such a range of electorates in the constituencies in Wales, going from about 40,000 to 77,000—those were the existing numbers—getting it within that 5%, as well as having the reduction, meant that a substantial change was required in Wales.

Q21 Mr Turner: One of the bits of evidence that we were given a couple of weeks ago was that a 10% rather than 5% difference would not have much effect in terms of fairness. Obviously, some go up and some go down. Could you tell me whether that is accurate as far as parties are concerned? You may not know that, and you are perhaps not allowed to say so, even if you do, but it seems that there could be some evidence that, say, Conservative constituencies would be particularly high and Labour ones would be particularly low. Could you expand on that?

Hugh Buchanan: I think that the Scottish commission’s view would be that there is no such thing as a Conservative constituency. We design constituencies; you influence how people vote, so whether a constituency elects an MP of one particular colour or another is not for us to judge; it is for you to determine.

Q22 Mr Turner: Yes, but you will understand, I am sure, that there is such a vote, or such constituencies, as far as who emerges as the successful candidate.

Hugh Buchanan: If you are characterising urban and rural, that is a different discussion.

Mr Turner: That is one of the issues.

Hugh Buchanan: Is your question: did the review treat urban constituencies differently from rural ones?

Mr Turner: I would be prepared to accept that for the moment.

Hugh Buchanan: When you come to looking at communities and how to divide them between constituencies, the issues are different in urban and rural areas. In rural areas, the divisions are more durable and if you do not know an area well, it is sometimes quite difficult to determine. In an urban area, I get the impression that communities are more fluid. Dividing an urban area between

constituencies is less likely to inflame strong passions than in rural areas, with a few exceptions in Scotland that I can remember from the last review.

Tony Bellringer: I can honestly say that we genuinely do not look at political outcomes in terms of what the parties get in different areas. I could not answer whether 5% or 10% would benefit one party or another. That said, we are all people who live in a reasonably political environment. We know what arguments were made during the passage of the legislation about why the level should be what it was. The common understanding is that there has been a tendency over the last few decades, because of how the system was designed, for more votes to be required to elect a Conservative MP in areas that traditionally vote Conservative than in areas that traditionally vote Labour. That was what the 5% was intended to address. Whether that is exactly the right figure, I could not tell you. The only thing that we could really look at is stuff that I know you have already had evidence on and was in a research report released back in July from academics about the degree of change that results from different tolerance figures. Sorry, I cannot answer the political question.

Q23 Mr Turner: Okay. Perhaps I could ask Dr Smith a question: what happens in Northern Ireland, where there is a big division between Sinn Fein and the DUP in particular? What do you do to ensure that those constituencies are fair, or is it completely irrelevant even to think about which parties will be involved?

Dr Smith: The commission has not considered outcomes, and it is not allowed to consider outcomes, but we did find that the 5% quota range restricted our ability to take account of other factors and to produce organic constituencies that respected community ties and geography, and provided for continuity from one election to the next. The main interest of our political parties was not really in the Westminster election in terms of the things that they said to us. It seemed to us that what they had in mind was the implications for the Northern Ireland Assembly elections, which of course use the same constituencies. Strong passions were aroused about that, particularly among parties that calculated that they would be adversely impacted.

Q24 Mr Turner: And yet there they have seven or eight Members of the Assembly from all parties in each constituency.

Dr Smith: Six.

Mr Turner: Six, sorry. So surely it does not matter which constituency you are representing there.

Dr Smith: If the boundaries are adjusted, though, the sixth seat, in particular—the last seat to be filled—is typically likely to move to a different party, depending on where the boundary is put.

Q25 Mr Turner: Yes, but the next constituency would gain from that.

Dr Smith: We obviously have not done the calculations and they had.

Q26 Mr Turner: I see. If you could get one or two changes made to these laws in, say, the next six months, that would mean that we could act immediately if we are re-elected—we hope—what would they be?

Dr Smith: While I have got the floor, as it were, let me say that when we did the fifth review in Northern Ireland, the limit was discretionary. It was supposed to reduce disparities and aim for equality in size between the constituencies, but there was no fixed mathematical number. At the first cut, they tried to have a range from -10% of the average to +10%, but that was not satisfactory in terms of local ties and continuity, so they ended up with a range from -10% to +13%, which they felt satisfied the three basic values of organic communities, continuity and fairness.

The main change I would have been looking for as a commissioner would be a relaxation in the mathematical range from the quota, and some discretion being allowed to the conditions to balance the principles of continuity, organic nature and equality. So, we would perhaps aim for 10% below to 10% above, but have the discretion to move a little bit more than that, if it was required by the strength of local ties or the feeling that we got from respondents about local ties, community and continuity.

Q27 Mr Turner: And that is before the sixth review.

Dr Smith: That is what was done in the fifth review, yes.

Steve Halsall: In Wales—putting aside whether the 5% should be more or less—there are two issues that we would like addressed. One is the issue of Welsh constituency names, which was not considered in the legislation. It would be useful to have guidance or conventions on naming provisions for two names: one English and one Welsh.

The other issue we have is in respect of local government changes. Much has been said in previous evidence about the difficulties of changing local government wards and the effect that that has on parliamentary reviews. A small help to that problem would be to allow the parliamentary reviews to take account of local government boundary changes when orders have been made. What happens is that orders are made, but do not come into effect until the next local government election, so they cannot be taken into account in the parliamentary review. I think that that small change would certainly help the issue. It would not resolve the issue completely, but it would help.

Tony Bellringer: From the English commission's perspective, size may be a big factor in our view. On the two that we would probably pick, if you are going to have public hearings, do not have them happen at the same time as the initial consultation period, as that did not work very well in the last review. You will have seen that there were a number of hearings that were not very well attended and you probably didn't get very much useful evidence out of some of them. Some of them were very useful, but the difficulty was that we had to pick where we were going to go before we knew where the issues were going to arise. Having the ability to choose ourselves where to hold public hearings after we have had the initial consultation period, and probably after the secondary consultation period, means we will have seen where the debates really lie, and then we can get best value out of where we go, if you are having public hearings at all.

Secondly, that has an impact on the timetable which, as I mentioned earlier, is hard enough for us to deliver against. I think the English commission would like to have a longer period of time between reviews. If you were to do 10-yearly reviews rather than five-yearly ones, we could go back to the system that we had in the past under which we reviewed the whole of England on a rolling basis. Rather than trying to do it all in one go, which almost broke us administratively last time, we could actually progress round the country. We would still use the electorate data, and the wards and local authority boundaries as they were fixed at a particular point in time, which would be the same for every region, but we would just do one region at a time. We would be able to do that quite sensibly within a ten-year time scale.

Hugh Buchanan: One thing that has not been mentioned so far is that the five-yearly revisiting of the number of constituencies in each part of the UK is very disruptive. When you look at the data since we did the sixth review, a year later the numbers would have been the same. Two years later, England would have gained a seat and Wales would have lost one. The following year England would have lost one and Scotland would have gained one. There is a high frequency of churn and I think that is going to be quite disruptive. It means that when you come to redesign constituencies in a part of the UK or a region of England, you are starting afresh, because you have a specific numerical limit and a different numerical solution to the number of constituencies, so you have to start again.

Dr Smith: I agree with what both my colleagues from Scotland and England have said about the desirability of having public hearings, if you have them, at the end of written consultation phase, and the desirability of not reallocating seats among the four countries and regions every five years.

Chair: Paul, I am going to ask you to come on to your questions because I am conscious that we have used 20 minutes out of 60 and we are only one Member down.

Q28 Paul Flynn: This is one of the questions about the five-year period. Is it not true that the recommendation might have sounded sensible until the referendum result in Scotland? The Welsh Assembly does not have the same powers as the Scottish Parliament, which is related to the fact that we have not lost any seats in Wales, but Scotland has. In the turmoil ahead, when none of us can be certain what is going to happen, the only certainty is that the power here at the centre in Westminster is going to diminish and the power in the national Parliaments is going to increase. If you get rid of that five-year period and set the numbers in aspic for 20 years, we get an unfair disparity. It would be favourable to Wales, and we all have a vested interest in these things, but is it not sensible now, given the uncertainty of how power is going to be allocated, to keep to a five-year period, or possibly a shorter one? If powers are going to go to Wales and Northern Ireland, that weakens the justification for having the same number of MPs from those areas.

Hugh Buchanan: But greater constitutional drivers have always determined the number of MPs from each part of the United Kingdom sitting in this place. That was true after the establishment of the Scottish Parliament, when Scottish representation was reduced from 72 to 59, and it was true when the Irish departed from the United Kingdom. There have always been examples of where greater constitutional change has led to the specific question of representation in the House being revisited, and I see no reason why that should not be the case in the future.

Q29 Paul Flynn: But these are not minor churns. They are massive changes.

Hugh Buchanan: Absolutely, so I think it would be sensible to separate the minor churn that I was just talking about from the major constitutional change that you were asking about, and not use the same solution for both.

Q30 Paul Flynn: Could you summarise the lessons learned in your document?

Hugh Buchanan: In Scotland?

Paul Flynn: In England.

Tony Bellringer: We did a management report, which is on our website for those who are interested. A lot of it is quite technical—it deals with how we went about our business—but there are

some big things in it. Our top recommendation was to say, “Please make sure that if there are any legislative changes, don’t do it just before we have to start.” There were some other things in there, but they were mainly administrative and internal matters. We didn’t have much that would require a change to the legislation because we didn’t think it was our place to say anything about that.

Q31 Paul Flynn: Was one of the lessons learned last time that it is impossible politically to reduce the number of MPs while increasing the number of Lords, knowing that the selection for the Lords is at least partly corrupt, in that Lords can buy a seat there, as you can see the correlation between the donations to political parties and those who are there—

Chair: If you can answer that one fairly quickly.

Tony Bellringer: We didn’t go anywhere near that, I’m afraid. One of the other things that we did cover—I am sure somebody will mention this at some point in the discussion—is the issue of splitting wards. We recognised that that was a difficulty and something that we slightly brought upon ourselves, to a certain degree.

Paul Flynn: Thank you. I will leave it there.

Q32 Fabian Hamilton: The Boundary Commissions took different approaches to how factors other than electoral quotas were taken into account—geographical considerations, local authority boundaries, the boundaries of existing constituencies, local ties, the inconvenience caused and so on. They were all considered in the sixth general review, but how did you come to your respective judgments about your approaches to things such as the splitting of wards, which you just mentioned?

Tony Bellringer: The splitting of wards is a long-standing policy. You have seen the evidence of the English commission. We feel that wards have a sense of community that is reasonably well recognised, although arguably more so by the political parties and those involved in the electoral process than the general public. I know that in the previous oral evidence session, although the academics said that they know what a ward is, there was not an awareness of what the full extent of it is.

Q33 Fabian Hamilton: Sorry, may I interrupt you there? That surely depends on where you are in the country. There are some parliamentary constituencies that have six, seven or eight council wards in them, each of which may have 6,000 or 7,000 electors. In the city of Leeds, we have 17,000 electors. Splitting a ward such as Gipton and Harehills, which contains two entirely separate communities that are almost unrelated, yet are in one ward, would be quite logical.

Tony Bellringer: Yes, it probably would. The difficulty—again, this was mentioned in the previous oral session—is that we, as an English commission, are covering the whole of England. We are based in London, and most of us live within commuting distance of central London, so our local knowledge of those areas is limited. If we say, “Okay, we are going to split the big wards,” where do we split them? We don’t have enough local knowledge to do that.

Q34 Fabian Hamilton: Oh, you do, though. You have local knowledge from local councillors, other local representatives and MPs.

Tony Bellringer: Yes, we take evidence.

Q35 Fabian Hamilton: They are the experts, aren't they?

Tony Bellringer: And that is why we have public consultation, absolutely, but when there is a difference of opinion, we have to make a judgment. The other reasons why we have not split wards in the past, as well the fact that they are recognised areas, are partly that we did not have the facilities and technology to do so very easily. The electorate data are split into polling districts, so if we split a ward, it would probably be along polling district lines. For England, there are no mapped polling districts. Some local authorities have them well mapped, while some do not map them at all and just have a description of areas. Part of the process that we have been going through between reviews is getting those areas mapped, and that will enable us to use our systems to be able to split wards more easily.

Q36 Fabian Hamilton: Let me interrupt again. The political parties often have their own maps of the polling districts and comprehensive data about—obviously you are not interested in how the vote is split—how those polling districts vote, including the percentages and turnouts, and how convenient the polling stations are to the communities that live there. I would have thought that you could have used those resources to help to inform you, rather than asking for additional resources.

Tony Bellringer: My understanding is that the systems that they use are not necessarily compatible with what we use. Ultimately, when we provide maps for our recommendations, we want to ensure that they are authoritative maps of what we are describing, so we want the mapping data to come from Ordnance Survey as the national mapping agency. Ordnance Survey is doing this mapping for us at the moment.

Q37 Fabian Hamilton: Do you think, with hindsight, it would have been desirable to have been more open to the possibility of splitting wards?

Tony Bellringer: Yes, and I think that we said that in our evidence. Our intention is to be more open to that in the future, and although a strong case will still be required for us to be agreeable to splitting a ward, it will be a lower bar than it has been in the past.

Hugh Buchanan: Can I add something from the Scottish experience? Scotland introduced multi-member wards some years ago now. As a consequence, the Scottish commission, when designing the Scottish parliamentary constituencies on the last occasion, had to split wards. Numerically, you could not do it without doing so. That was the first occasion when that had been the case. The commission, in that review, concluded that since it had to split wards, it would split as many as seemed convenient. I think that it took a different approach in the sixth review because it had heard from people that splitting wards was unpopular. Therefore, in the sixth review, the Scottish commission split wards only when it had to. It took a much more conservative approach towards wards than had been the case when designing Scottish parliamentary constituencies.

Q38 Fabian Hamilton: How large on average were those wards?

Hugh Buchanan: I can't remember the numbers, but they were returning three or four members, so the average must be 10,000 or more.

Q39 Fabian Hamilton: But you would acknowledge, I am sure, that when you have wards of 17,000 electors—

Hugh Buchanan: Oh yes. There is no debate from Scotland that it is necessary to split wards. Our situation makes it inevitable.

Q40 Fabian Hamilton: The Boundary Commissions received a substantial volume of representations in response to their proposals for new constituency boundaries. How useful was the new system of public consultation to informing the revised recommendations that you all brought forward?

Hugh Buchanan: Consultation was invaluable. The hearings were of questionable value.

Q41 Fabian Hamilton: Why do you say that?

Hugh Buchanan: I think that we all had a similar experience: the content of the hearings was very patchy for a variety of reasons. Partly that was due to the timing, which was during a consultation period, so those attending the hearing did not know what other people were intending to say and people were sometimes playing their cards quite close to their chests. The constraint on the duration of the hearings meant that the opportunity to test the evidence being presented was limited. Those two factors in combination meant that what we learned from the hearings was generally quite limited. However, the consultation process was invaluable. You referred earlier to local knowledge, and the only way we could plug into that local knowledge was through the consultation process. That was why the revised proposals from each of the commissions were much better received than the initial proposals that we had made.

Q42 Fabian Hamilton: That is very true. Just to come back to Tony, I know from the West Yorkshire proposals that had you split even two or three wards in Bradford, Leeds or Wakefield, it would have made all the difference to the cohesion of the new constituency boundaries. I am sure that you will consider that if this ever comes up again.

Tony Bellringer: Examples like that are indicative of why we have shifted our position slightly.

Q43 Chair: I should not need to say this, but I will: I am sure that I speak on behalf of the Committee by thanking you for the job that you do and the way in which you do it.

Fabian Hamilton: Absolutely.

Chair: Mr Turner quite rightly put some very pointed questions, but I do not think that there is any implication from him or from us that we think you are involved in party politics. We celebrate strongly—I see Andrew nodding—that our system in this country is one of the best in the world, although we are never complacent about it. It does not suffer from the constant gerrymandering that is so prevalent in many other places, even democracies. Thank you all for the work that you do.

You mentioned split wards. Are there other particular rules out there right now that you think need to be reviewed? I understand that we need to get these things into the machine relatively speedily. Is there anything other than split wards that strikes you as needing to be looked at?

Hugh Buchanan: I think that the commissions value the discretion that they are given. The solution to splitting wards may not be a legislative one, but rather learning from experience, as we have heard. The legislation gives the commissions discretion, specifying certain factors that they “shall” consider. It does not actually preclude us from considering other things, but it specifies some things that we have to consider. I think that a commission would be wary of its discretion to look at the whole picture in an area, and to consider whatever the local community tells it is important, being constrained. A commission would be reluctant to have that discretion constrained.

Q44 Chair: Are there any other particular things? You do not need to find any if there are none.

Tony Bellringer: We mentioned, in response to the previous question, two things that we might want to change, so I will not go over those again. I hesitate to go near the 5% figure, because I know that there is a lot of politics around it, but you might consider, rather than necessarily setting a completely different figure, just giving us a bit more discretion to say that we might go x% beyond the normal in exceptional cases.

Q45 Chair: I am absolutely the last person to draw you into the politics, but I just want to say that the politics will take this over again unless impartial and well-meaning people put a different concept out there that is non-political. Anything that is put forward is bound to have consequences, but if we at least start from a non-partisan view, that might even help politicians, who immediately take sides either with or against their own party leaders. More power to your elbow in ensuring that there is a sensible climate in which decisions can be made.

A last one, perhaps as a forlorn bid to be topical, is about whether there is anything in the Scottish devolution package that influences how Scotland will look at Boundary Commissions and other things. Is that outwith the package? I have not yet had the privilege of reading that because we have been in Committee.

Hugh Buchanan: We are in a similar position. We have not seen the proposals, but we understand that there may be some consequences.

Chair: A politician’s answer.

Q46 Tracey Crouch: Can I go back to the issue of public consultation? Hugh, you were very clear about the value of public hearings. Is that agreed with in England, Wales and Northern Ireland?

Steve Halsall: In Wales, I think we found some benefit. There were not the levels of representations and the numbers that we had anticipated. We had lots more representations sent to us, but the numbers turning up to the public hearings were a lot less than we had thought. However, the way that our assistant commissioners cross-questioned some of the people in the hearings teased out additional information that then fed into our revised proposals, so some benefit came out of that. However, going back and testing the information could be done in some other way, so that is something that could be considered.

Q47 Tracey Crouch: So you would not necessarily agree that a revised system of exclusively written representation would be a good thing, as you found at least some value in the public hearings.

Going forward, if we have another public consultation, does the process need to be thought about in a different way?

Steve Halsall: I go along with my colleagues in that I think it would be better to have the public hearings after the representations period so that everyone is aware of all the issues and those can be considered at the public hearing. That would definitely be of benefit.

Q48 Tracey Crouch: So we should rethink the process of consultation, but not necessarily scrap public hearings in their entirety.

Tony Bellringer: I think so. In England it was a mixed picture. We certainly had quite a few hearings that were probably a waste of time. I was personally in Sheffield, where I think we had four people turn up over two days, and not very much value was added to the process at all. I was in Maidstone as well where, although lots of people turned up, they all said exactly the same thing, pretty much from a script as far as we could tell, and that was in fact something had been raised at length in the written evidence.

However, in Birmingham, we had lots of people turning up and lots of contested evidence. It was very useful and what came out of that public hearing led to a change in our recommendations. I would be loth to get rid of them altogether, but that is not to say that there are not alternative or additional ways that we could get at people.

Chair: In Sheffield, Andrew, Fabian and myself went to a participation event—they seem quite famous for doing these, and Professor Matt Flinders has put a lot of energy into them—so I am surprised that you got only four at Sheffield. We heard from the electoral registration officer and others that there is a forum for effective involvement, so perhaps there is a bit of a crossover there. Perhaps MPs' surgeries may sometimes suffer the same thing: you are in a routine and perhaps you need to look at slightly different ways of reaching out and connecting with people.

Tracey Crouch: I should say that your Maidstone event would have covered my constituency and I can absolutely promise you that there was no scripting going on from my association.

Q49 Chair: Would you consider outreach, outwith the formal hearing process, as a way of reaching people and getting them talking?

Tony Bellringer: That is what I was trying to touch on right at the end of my comments. I think, in the era of modern technology, that there are certainly ways that we can explore different methods of getting at people other than just the old style of the formal public hearing.

Chair: I will ask my Clerks to write to each of you. At leisure, have a little think about some of the possible ideas around that.

Q50 Tracey Crouch: What was the experience of public hearings in Northern Ireland?

Dr Smith: The public consultation was very useful in that we amended our original proposals in the light of things that people had written to us, but the public oral hearings did not add anything to what we had received already in written representations in terms of the impact that they made on our revised recommendations.

Q51 Tracey Crouch: Was that because of the sequence of the consultation, or do you think that the public hearings were not necessary because the written responses gave you all the representation you needed?

Dr Smith: It is hard to know which, but I think it would have been more helpful if the people who went to the public hearings had been able to go with all the documentation in their hands, knowing what other people were arguing and with no possibility for further written representations to be made after that, so that the oral hearings were the last step in the public consultation. I do not know how this would be done, but it would be useful if the Committee were able to research the use of social media and the internet as a means of consultation—with regard to how people could debate with each other online—and for that to be recorded and fed into the process, because that is what young people do these days. Public hearings are part of our traditional democracy, but they are not of interest to everyone, whereas a lot of people would contribute online if they had the opportunity to do that.

Chair: That is really helpful suggestion. We have had an excellent collaboration with King's College on our *new Magna Carta* inquiry. Perhaps I can ask my team to have a think about how we might interface with universities, young people's organisations and organisations in the field, such as the Hansard Society, Bite the Ballot, Unlock Democracy, Policy Exchange and so on, actually to take that forward. It seems like a sensible use of our ability to convene.

Q52 Tracey Crouch: Turning to the number of MPs, unlike previous provisions around the drawing of parliamentary constituencies, the 2011 Act fixed the number of MPs for future reviews, subject to the new legislation being passed. Do you think that that inflexibility means that recommendations coming out of the sixth review were significantly more disruptive than if the number of MPs had not been fixed?

Steve Halsall: Because of the situation in Wales, I think the disruption was due to a fixed number of MPs and using that electoral quota across the UK. Wales was statistically over-represented, so bringing it down to a similar level with the rest of the UK meant there would be considerable disruption.

Previously, Boundary Commissions had made it known that we were concerned about the old rules and the ratchet effect that was occurring where the numbers of MPs would rise with each review. We wanted something to be done to stop that happening and this was an attempt to do so. Regarding the number itself, we do not have a particular view about which number it should be, but we need to point out that should the number be higher than the 600 in the rules as they stand at the moment, something needs to be done about the tolerance level. They need to be hand in hand, because a larger number of MPs means that each constituency has a smaller number of electors and so the tolerance is a smaller number, and it would be more difficult to work with 5% on that.

Q53 Tracey Crouch: So is it harder for you to look at a constituency map of the United Kingdom and divide it into 600 constituencies rather than looking at it in terms of population and dividing it in accordance with a rough number of electors within each constituency.

Tony Bellringer: From the English commission's perspective, in some ways it is easier to work with a fixed number because then you know that you have a target that you have to meet. In one way, it is nice to have the flexibility to be able to say, "If we create another constituency here, it can solve a lot of other problems that we have with this area." However, for philosophical and political reasons, you think it is appropriate to have a fixed number in Parliament, and we don't disagree with

that. It makes our job easier in some ways if we have a fixed number because then we say, “We have drawn a map and done everything we can to take the other factors into account, but at the end of the day we have a fixed target and we can’t exceed that. We can’t create new ones just to fix other problems that we see.”

Q54 Tracey Crouch: Turning to something entirely different, the Electoral Registration and Administration Act 2013 changed the date by which the next review would report to Parliament—2018, I think—and therefore the new constituencies would come into force in 2020. Assuming there are no changes to the current legislation, when would you expect to launch the next review?

Hugh Buchanan: The restraint is the availability of the electoral data. The Act requires us to use the December 2015 register, which is likely to be available to us in February or March of 2016.

Q55 Tracey Crouch: And you would expect a review shortly after February or March 2016?

Tony Bellringer: Similar to last time, we would formally announce the launch of the review probably around the end of February or beginning of March.

Q56 Tracey Crouch: Is that enough time?

Hugh Buchanan: It is tight.

Tony Bellringer: Given what I said earlier, we would probably say it was not enough time for the English commission.

Q57 Tracey Crouch: What do you think is the right amount of time for the commission?

Tony Bellringer: I mentioned earlier that at the fifth review it took us six or seven years to do the whole of England. It is arguably a more difficult task now, with the new rules.

Q58 Tracey Crouch: But six or seven years could see quite a significant difference in the number of people on the electoral register or the data that you are using. By the time you report it, it is arguably already out of date.

Tony Bellringer: Yes, but that is true now. It is just a question of scale. Even if you are taking longer in the process itself, we would still be using data for everywhere that was at the same point in time. There is no inequality or unfairness between different parts of the country. They are all taken from a single snapshot.

Hugh Buchanan: This comes back to Bill’s earlier point about there being three factors that you want to consider. Parity and equality of numbers is one. Continuity is a second, and community is a third. With the 2011 Act, Parliament emphasised the parity way over and above the others. Historically, there has been a more balanced approach to the three. It is for Parliament to decide how it wants to address that in future.

Q59 Chair: Let me get this absolutely clear about timing. If there were to be any changes in the next Parliament to the rules for redistribution of parliamentary constituencies, when would those need to be legislated for to ensure that the commissions were able to make the necessary arrangements for the review?

Tony Bellringer: It is not a great answer, but it depends what you change.

Q60 Chair: The things that you feel could do with examination and possibly change.

Steve Halsall: The easiest date to give is the December date of the registers, which is December 2015.

Dr Smith: We cannot start before then anyway.

Q61 Mr Chope: Can I ask you about the parity issue? The European Convention on Human Rights, the Council of Europe and the Venice commission say that you should not vary it by more than below or above 10%. At the moment, how many of these 650-odd constituencies are more or less than 10%?

Tony Bellringer: I cannot speak for the whole of the UK, but for the 533 constituencies in England, at the start of the 2011 review—I do not have a figure for the 10%, but I have one for the 5%. There were 62% of our English constituencies that were already outside 5%, above or below. That has gone up slightly. On the most recent electorate figures, although they are going to be overtaken within the next couple of weeks, it has gone up and 64% of English constituencies are now beyond 5%. I can write to you about the 10%.

Q62 Mr Chope: I would be grateful for that. Could people from the other commissions do the same?

Dr Smith: In terms of above and below 10%?

Q63 Mr Chope: Yes. To what extent do you feel an obligation to respect the European rules on this?

Hugh Buchanan: The Venice commission that you referred to provides general guidance and advice. You correctly used the word “should”. Their advice is couched in terms of “should” and “normally”. They are providing general guidance, not a duty that this country is failing. It is important to understand the context of that guidance. It is something that we are conscious of and, as has been referred to by my colleagues, the 10% as a reasonable measure of disparity or limit to the maximum disparity is one which we have all commonly acknowledged and applied. The previous legislation gave us discretion to apply that in a soft way, so that you did not have to stop when you got to the 10% limit halfway through a town. We do take account of that guidance from Europe, but it is important to recognise its place in the context of the legislation.

Q64 Mr Chope: May I ask a separate question? We understand that the Smith commission review is going to suggest that the rules about electoral law and parliamentary boundaries should be

legislated for separately in, for example, the Scottish Parliament, compared with the rest of the United Kingdom. What views do you have about that? Is it not desirable that we should have one system of United Kingdom law governing all the rules relating to parliamentary elections in the United Kingdom?

Hugh Buchanan: My colleague and I have not had sight of the Smith commission recommendations so cannot comment on what those might be. Taking the abstract question on whether the UK Parliament should have consistent rules, I think it depends on what you think the function of that Parliament is. I think you get into questions of political philosophy as to how a national Parliament should operate in a devolved context.

Q65 Mr Chope: If your job is to try to equalise the number of constituencies in terms of numbers of voters, and Scotland had a much wider franchise in age and eligibility—for example, anybody living in Scotland being able to vote—that would have a distorting effect on any requirement by the UK Parliament for an equalisation of constituency sizes.

Hugh Buchanan: Our job is to apply the legislation that Parliament gives us, so it is for Parliament to decide what that legislation should say. It happens that Parliament is currently giving us the task of equalising representation numerically, but you may change your mind about the task you want to give us.

Q66 Mr Chope: And you think that should continue to be dealt with by the United Kingdom Parliament.

Hugh Buchanan: I don't have a view on that.

Tony Bellringer: It seems fairly reasonable that the UK Parliament should set its own rules for elections to itself. There is a more open question about whether the Scottish Parliament should potentially be able to set its own rules for its own franchise and elections to itself, including the setting of its own boundaries. When you are talking about one body as the UK Parliament itself, it would seem odd to have different rules for different parts of the UK to elect to the same body.

Q67 Mr Chope: What changes would need to be made to how the Boundary Commission works if the Boundary Commission recommendations were to be implemented without parliamentary approval?

Tony Bellringer: I think it fundamentally changes the nature of the kind of body that we are. At the moment, the parliamentary bodies are all advisory non-departmental bodies, according to the Government's classification scheme. As such, although the arrangements work differently in the other parts of the UK in England, the secretariat is provided by a Government Department as the sponsor and we have to fit in with the Government Department's rules about controls on expenditure, going through how you actually pay for things and procure them.

That can be rather cumbersome, to be frank. I am sure there is no suggestion that they are interfering politically with our core business, but if you get to a certain point where you are so hands-on with our administration and how we do things internally that you are actually inhibiting our ability to do things in a proactive way and react quickly to things, that can impact on our ability to do the job well. If we were to report directly to Parliament, it would remove the middleman, if you like. That changes the nature of the body. We become an executive body if we are simply making orders

ourselves rather than just passing them over to Government as advice, and then it is their job to make the actual legislation in Parliament. It is a rather odd situation anyway, because the legislation does not give them any ability to change our advice, so we are effectively an executive body and the Government are really just fulfilling the function of being somebody in Parliament to present that piece of legislation to Parliament and carry it through.

Q68 Mr Chope: So you'd be ready to accept that extra responsibility, to take it away from Parliament?

Tony Bellringer: I would not want to take anything away from Parliament. I think we mentioned in this our evidence, on the question of who would approve our recommendations, if not Parliament. I have difficulty in knowing who it would be if it were not Parliament. I would compare us with the body we are most like in England, the Local Government Boundary Commission, which reports directly to Parliament—they no longer report through a Government Department—and they have order-making powers. They have to find somebody within Parliament to stand up in Parliament and speak to it, if the statutory instrument is prayed against and there is a debate, but that is a practical issue that should be relatively easy to solve. Constitutionally, it feels right that you remove the Government from the process and you deal directly with Parliament.

Hugh Buchanan: But I think the question that my commission would put back to you is: what problem would you be solving by changing the way things currently work? Things currently work fine in terms of converting our recommendations into law, so what problem would you be trying to solve?

Mr Chope: Well, it is not for me to answer the question. I am asking the question, so I will treat that as a rhetorical question. I am sure you would agree with that approach, Mr Chairman.

Chair: It is nice to hear a witness give as good as they get. A very quick question, Paul, because we want to adjourn.

Q69 Paul Flynn: A very quick question. We give extra consideration for rurality, so they have a small consideration there. The biggest job of work in my constituency is migrants, and the pattern is so uneven throughout the United Kingdom. I have 391 asylum seekers at the moment. The Home Secretary has one, which is an increase on the number that she had in her constituency last year. Do you think that should be a factor, because it is certainly a major factor in our work?

Mr Turner: They do not have votes.

Paul Flynn: No, but they do present problems.

Chair: A very quick answer, if you do not mind, gentlemen.

Hugh Buchanan: There are many practical problems in trying to use population by any measure in place of electorate. We would need longer to debate that.

Chair: Colleagues, thank you.