

Public Administration and Constitutional Affairs Committee

Oral evidence: Parliamentary Boundary Reviews after 2018, HC 559

Tuesday 9 January 2018

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Members present: Mr Bernard Jenkin (Chair); Ronnie Cowan; Paul Flynn; Mr Marcus Fysh; Dame Cheryl Gillan; Kelvin Hopkins; Dr Rupa Huq; Mr David Jones; Sandy Martin; David Morris.

Questions 1-137

Witnesses

I: Steve Halsall, Secretary to the Boundary Commission for Wales, Sam Hartley, Secretary to the Boundary Commission for England, Professor Alisa Henderson, Commissioner, Boundary Commission for Scotland, and Eamonn McConville, Secretary to the Boundary Commission for Northern Ireland.

II: Professor Jane Green, University of Manchester, Professor Ron Johnston, University of Bristol, and Professor Roger Scully, University of Cardiff.

Examination of witnesses

Steve Halsall, Sam Hartley, Professor Alisa Henderson and Eamonn McConville.

Q1 **Chair:** Happy new year, and welcome to the four Boundary Commissions, for England, Wales, Scotland and Northern Ireland. Could I ask each of you to identify yourselves for the record, please?

Eamonn McConville: Eamonn McConville, secretary to the Commission for the Boundary Commission for Northern Ireland.

Sam Hartley: Sam Hartley, secretary to the Boundary Commission for England.

Professor Henderson: Alisa Henderson, member of the Boundary Commission for Scotland.



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Steve Halsall: Steve Halsall, secretary of the Boundary Commission for Wales.

Q2 **Chair:** Thank you for coming to give evidence to us today. Our primary concern is: to discover how far advanced we are with the present boundary reviews; what is the latest time in which they can be implemented; and if they are not implemented what the consequences are and what the options are, because there is some question as to whether Parliament will actually carry through the present boundary reviews.

We will ask brief questions and try to avoid making policy statements in our questions. Because there are four of you, if you could keep your answers fairly brief and perhaps allow one to speak for all of you if that is sufficient; you do not need each to say the same thing at length in order to get through all the questions. Could you briefly summarise where the current boundary reviews have reached in each case? Shall we start with England?

Sam Hartley: Very happy to; before I do, Chair, it is probably worth pointing out that obviously we all work to the same legislation but we are four independent Commissions. There are points of deviation in the processes and the timescale, as will become apparent.

For three of the Commissions—the English, Scottish and Welsh Commissions—we completed the revised proposals consultation in December last year. That was the third and final stage of consultation for the 2018 boundary review, and we are all now working towards our final recommendations that are made to the Secretary of State in September of this year. There is no deviation among the four Commissions about when we report. We have to report in September—that is what the legislation tells us—2018. I do not want to speak for Eamonn—the Northern Irish Commission is slightly behind on its timescale—but that is where the English, Welsh and Scottish Commissions are in terms of the timescale for our review.

Eamonn McConville: Where the other three Commissions have completed their revised proposals consultations, we are going out with our revised proposals at the end of January, at the end of this month.

Q3 **Chair:** What is the expectation in Northern Ireland about what procedure will be followed?

Eamonn McConville: We work to exactly the same; we will report to the Secretary of State in September of this year as well.

Q4 **Chair:** So, we do not expect Parliament to vote until next autumn?

Sam Hartley: That is not a question for the Commissions, I am afraid. Our role is to make the recommendations.

Q5 **Chair:** But there is not a proposal to vote upon until at least September?



Sam Hartley: That is correct.

Q6 **Chair:** Can you just give us an idea of how much these present four reviews have cost? You may want to give separate answers. What is the budget for each of these reviews?

Sam Hartley: I can give you an answer for all four Commissions, if that is helpful, but then we can—

Chair: That would be very helpful.

Sam Hartley: So far the review up until figures to the end of November, which are the most accurate figures we have, 2017, has cost just over £5 million—it is just under £5.1 million—the Government expects the review to cost about £5.6 million through the course of its lifetime, and I think the four Commissions would estimate that we would come in slightly under that if we complete in September.

Q7 **Dame Cheryl Gillan:** What are the risks to delivering the current review successfully? We read in the media that there may not be an appetite for these reviews to go forward, particularly on the Northern Ireland ones that the DUP may not support the proposals that come forward. How do you see these risks, and do you think you will be able to implement your recommendations successfully or not?

Eamonn McConville: Our role is to complete the review and report to the Secretary of State in September. That is where our remit ends. What happens after that is really up to Parliament. Certainly in terms of our role up until September we are quite confident that we will be able to complete the review and to report to the Secretary of State.

Q8 **Dame Cheryl Gillan:** When you are in the process of completing the review, how much do you look over your shoulder as to what the outcome will be?

Eamonn McConville: To something that may happen, it does not affect me. It is a tight enough timescale. We just have to keep pressing on. Until we get to the point where Parliament tells us otherwise, we work to the timescale of reporting in September 2018.

Q9 **Dame Cheryl Gillan:** How worried are you by noises off during this process?

Eamonn McConville: It has really no bearing on the work that—we just do not have the luxury of waiting to see what happens with the speculation. We just have to press on with the review.

Q10 **Dame Cheryl Gillan:** How do the other three see the speculation? Mr Halsall?

Steve Halsall: I agree with Eamonn. We obviously hear the speculation. It does not affect how we process the review or has done throughout the review, and we will make the proposals, as we say, in September and then see what decision is made.



Q11 Dame Cheryl Gillan: How difficult is the process in Wales, particularly as there is no reduction in the number of seats when primary powers are passed down to the Assembly?

Steve Halsall: There is quite a substantial change in Wales, because we are changing from 40 down to 29 seats. It was substantial across the board in Wales. That was difficult, and we had a number of representations with differing views, which we have tried to take account of.

Q12 Dame Cheryl Gillan: Professor Henderson?

Professor Henderson: I would agree entirely with that. We have not gone looking to see whether there is disquiet about what we are doing. We are working to legislation, and we are keeping our heads down and doing the best we can. Even if we were looking for it, we have no direct evidence that there has been any drop-off in appetite for engagement. We have had more responses to our consultations than the last time round. We have been pleased with how the process has been going. Obviously, in reducing from 59 to 53 seats with two of them protected, there is a significant amount of change in the boundaries. There is only one of the 51 mainland constituencies that is the same; there have been boundary and/or name changes to everything else. There has been a considerable amount of change. But that, I think, is to be expected.

Q13 Dame Cheryl Gillan: Do you think that there is more risk in Wales, because of the larger proposals, than there is in Scotland to implementing it successfully?

Steve Halsall: I think the proposals altogether have to be looked at in the round in terms of England, Scotland Wales and Northern Ireland. It is for Parliament. The more significant changes in Wales are really brought about because of the historic over-representation in Wales. It is getting that balance right.

Q14 Dame Cheryl Gillan: Mr Hartley?

Sam Hartley: At the risk of sounding like a stuck record, my colleagues do not entertain or take into account any speculation about whether the review is implemented. It is just not the role of the Boundary Commissions to do that. It is our role to carry out the wishes of Parliament as per the current legislation or as per any legislation that is passed.

I would just make one further point, just for the full understanding of the Committee. Under the current legislation all of it is implemented or none of it is implemented, so that you cannot just do one part of the UK and not the other three. It is one statutory instrument that is laid at the end of the process.

Q15 Dame Cheryl Gillan: So, basically, none of you do a risk assessment on whether what you recommend will be implemented?



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Professor Henderson: We absolutely do risk assessments, but what we do is we deal with the risk for things that are within our control. There are certain things that are by statute outside our control. We cannot do a risk assessment on that. We do a risk assessment on what is within our control, and we do the best job we can for the things that are within our control.

Q16 **Dame Cheryl Gillan:** Would it be fair to say that all four of you operate completely impervious of the noises off and whether your recommendations can be implemented or not? You are blind to those matters?

Sam Hartley: I think it goes with the territory, I am afraid. Yes, it does. It is our job to do the best job we can.

Q17 **Mr Marcus Fysh:** If the current Parliament were to change the current review and to ask for a new one, when would be the last date that the legislation would need to be in place for that to occur in time for a General Election in May 2022, in your view?

Sam Hartley: That is quite a difficult question to answer, not least because the implementation side of things is not something that the Boundary Commissions can speak authoritatively about. By that, I mean the timescale for the recommendations to be put before Parliament, the process of making those orders, the statutory instruments, the practical processes of preparing for a General Election—none of us here can talk authoritatively about how long that process takes. It is quite difficult to answer directly the question about what the last date is that—

Q18 **Chair:** What would be, say, an assumption to allow for?

Sam Hartley: As I am sure you know, the current legislation allows for over 18 months, I think, between our recommendations and the—

Q19 **Chair:** It has been done more quickly than that in the past.

Sam Hartley: Yes, I am sure it has, but I would rather talk in terms of how long it takes our Commissions to do the role that we have to do, and, based on the current processes, if you like, the current law as it is set out, we will have two years and 10 months to conduct the review from the start of the review until the recommendations to Parliament. I speak just for England now. In England we use all that time, and we would be very concerned about any shrinkage in that time unless there were changes to the process that allowed us to conduct more of the work.

Q20 **Mr Marcus Fysh:** When it comes to those changes that would be required, to what extent is that changes to the rules themselves, and to what extent could it be in terms of your implementation of what those rules say? For example, would it help if you had more resource in order to do your part of the equation more quickly?



Sam Hartley: I will speak for England, of course, but first of all we are not going to talk about the rules, the threshold and the variation from the average. That really is a decision for Parliament to make, not for the Commissions. I think more along the lines of how operationally I can lead my team to get all that work done. As you know, at the moment there are three rounds of consultation. In England that has generated over 35,000 different public comments that we have to do due process to and get through, analyse and look at all of the various options. As I said, that in itself fills our two years and 10 months and then some. It is a tough job in England. I think it would be something along those lines, but, again, it really is not for the Commission to say what the rules should be or the process; it is just our job to carry out the job to the best of our ability.

Q21 **Mr Marcus Fysh:** But is it possible in theory to compress the timescales of the consultations, for example, if you had more resource and it were set to a different timetable? Is there a risk of doing that that you foresee, of getting it wrong, or is it just a matter of getting more people on the job?

Professor Henderson: It really is not for us to say what the rule should be. That said, it is less an issue of resources; the things that take time are those rounds of consultation. Resources will not help during rounds of consultation. If you want to make it faster, you could chuck out the rounds of consultation. Whether that is something you want to do is entirely up to you, but resources would not speed that up; it would speed up processing the responses to the consultation when they come in, but a lot of the time of that review is us waiting while citizens have a say on what we have done.

Sam Hartley: We find those consultations incredibly valuable. At the English Commission we changed 55% of our first proposals based on what people had said to us. You as legislators would need to balance the benefits of having all of that valuable public information against the compressing of time.

One more point, just to back up Alisa's point on resources: yes, you could give us a few more resources. It is inherent in the project that our Commission and my secretariat really need to know the areas that they are looking at. It would not be much value to me to dump 50 staff on me for six months and say, "Go and analyse those things". "They need to know the regions that they are working on," would be my advice to my commissioners if they asked about that.

Chair: In particular if you are going to reduce the public consultations.

Q22 **Mr Marcus Fysh:** How long would you need between the setting of the rules and the official start of a review to organise yourselves in an efficient way so that there wasn't risk of it going wrong if we were to change those rules?



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Sam Hartley: I would be confident we could do that pretty quickly. I do not want to put a figure on it, but, for those that were around in the last review five years ago, I think the legislation was passed at the end of February or something, the Commission started work immediately at that point, and that was on very different rules. We learnt a lot of lessons from that process. But I do not think I can sit here and say we would need months and months of time to prepare ourselves; that would not be fair. Again, I am speaking for the English Commission; I do not want to speak for the others.

Chair: So, there is not a consensus about the date that legislation is required in?

Q23 **Mr Marcus Fysh:** When would be the last time that it would be practical for you for us to have set the rules in order to have a new review ready for May 2022?

Sam Hartley: It feels like if there is Royal Assent on any new legislation by this summer we could then be in a position to deliver and leave enough time for implementation, which, as I said, we are not experts on. I am aware that there are lots of practical implications to actually implementing our recommendations, but I do stress that we still do need those two years and 10 months at least—a three-year time period—to conduct the review in England.

Professor Henderson: If you are leaving 18 months between when we complete our job and the election, the time has already passed.

Chair: Unless the process is truncated; point taken.

Q24 **Ronnie Cowan:** What is the purpose of any border review? What remit are you given at the offset? Why were you trying to improve what we currently have? Why are we changing the borders? What is wrong with what we have?

Steve Halsall: If you look at the difference in the number of electors in the different constituencies and compare them, you will see that particularly in Wales at the moment there is not a great degree of parity. There is not much electoral parity. The principle of people's votes being equal in different parts of the UK—it is to make sure that that continues.

Q25 **Ronnie Cowan:** But we seem to be increasing the number of electorate per representative. Does that give people better representation?

Steve Halsall: It gives them equal representation.

Q26 **Ronnie Cowan:** No, does it give them better representation? That is what people are looking for?

Steve Halsall: Well, that is—

Professor Henderson: That is not a question that we are asked, though. It is a political question, not a boundary question.



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Q27 **Ronnie Cowan:** That is what I am talking about. What is your remit, then, when you look at the borders?

Professor Henderson: We work to the legislation we are given, which tells us to prioritise parity.

Eamonn McConville: I think Parliament had two main issues. One was to reduce the number of MPs from 650 to 600, and the other one was to the parity representation issue. That is what the legislation was about.

Q28 **Ronnie Cowan:** So, in your remit there is no way to give full parity by increasing the number of MPs? That is simply not allowed?

Sam Hartley: The number of MPs in the current legislation is fixed; the legislation we work to.

Q29 **Ronnie Cowan:** Going from country to country, are there any specific issues within your own countries that vary between you? Are there any specific difficulties within Scotland, Wales, England or Northern Ireland?

Sam Hartley: Sorry, I do not quite understand the question. In terms of the number of—

Q30 **Ronnie Cowan:** Are there any specific difficulties you would have in England to satisfy this remit?

Sam Hartley: I think we all have difficulties in balancing the different factors that we have to balance, but it is a job that we can do and we are doing.

Eamonn McConville: We are all working to exactly the same legislation. Northern Ireland has a slightly unique factor—it is rule 7 that applies to Northern Ireland and can be applied when certain circumstances exist—but other than that it is exactly the same legislation we are working to.

Professor Henderson: There are always challenges between balancing electoral parity and the representation of whole communities. That is something that is present in the Boundary Commissions when they are doing reviews for Westminster but also at the local government level. There is always a tension there, and so when you have areas of low population density hitting the UK quota can lead to very large constituencies in certain parts of the country; and that is not something that would be present in Scotland and absent in Wales so much as just in different parts of Scotland there are different challenges. There is a difference between rural and urban constituencies. You are facing different challenges when you are looking at that. But we are confident we have dealt with them the best we can.

Q31 **Ronnie Cowan:** Does uncertainty around the UK boundary review affect your work regarding the Scottish Parliament or Welsh Assembly? There are 73 elected constituency MSPs. Do you have issues in how they are being represented in Holyrood compared with how the same people are being represented at Westminster?



Professor Henderson: We have lost coterminosity of the boundaries, and so as a result of that there is no automatic knock-on effect of what the boundaries for Westminster are on the boundaries for Holyrood. The local government wards are relevant, and so there is an issue about whether you use the wards that were most recently in effect or that were used in an election, or the local government wards that are waiting to be used. There was an issue about that in Scotland. But there is not an issue between the relationship of Westminster boundaries and Holyrood boundaries.

Steve Halsall: Similarly in Wales, there is no link now between the Welsh Assembly constituencies and the parliamentary constituencies. That link was broken by the legislation, and there is no process at the moment for reviewing the Welsh Assembly constituencies.

Q32 **Ronnie Cowan:** It is maybe not something you can answer, but I find that strange. From a Scottish perspective, the right number of MSPs to be elected to give the people of Scotland a voice at Holyrood is 73, but at Westminster it is 56, and we are going to reduce it potentially to 50.

Professor Henderson: It is 129; there are the 73, and then there is the regional list as well. There are two overlapping levels of representation rather than just the one. But the size of the Scottish Parliament is a matter for the Scottish Parliament.

Q33 **David Morris:** What influence does the public consultation have on the substance of your proposals? Sam, would you like to start with that?

Sam Hartley: As I mentioned already, it has a huge influence on our proposals. As I said, from our initial proposals we changed 55% of those based on what people had said to us. If you were to look through the nine regional reports—in England we work in each European region—you would see that many of the changes that we made—I do not have a number, but many of them are based on what members of the public have said as opposed to what political parties would have said to us, who generally, historically, tend to contribute more thoroughly than members of the public. For the English Commission, I think, as I said earlier, the three rounds of consultation are invaluable. It is a difficult job, because there are often very close counter-arguments, and what the Commissioners are there to do is look at that evidence and bring their judgment to bear on it, but certainly they are very open, and we are very open as a Commission to changing our proposals based on what people have said to us.

Q34 **David Morris:** In my constituency alone, 7,500 people wrote to the Boundary Commission—the largest number in history—to keep the constituency intact, yet that was discarded over 800 people who wanted to have it changed.

Sam Hartley: I do not think it is for this setting. We are not in a public consultation process at the moment. I do not think it is probably appropriate for me to comment on the specifics of a particular



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constituency or particular issue. I would add to that that this is not just about numbers. This is about evidence and argument that is put to us. It cannot be the case - in any public consultation, I think - that it is simply about how many people have responded and therefore we decide based on the largest number; it is about the commissioners' judgment, and, as I said earlier, it is often a very finely balanced judgment, but in the case of your constituency it is one that they have made.

Q35 David Morris: May I just say that according to the factors in drawing boundaries, one of the main criteria is to fit with traditional community boundaries, the traditional ties between rivalries and ties between communities? To put two areas together that have historically been totally separate, as acknowledged by the Boundary Commission on many previous occasions, and to grab them both together to create one seat that stretches all the way from Preston to the border of Cumbria—from the border of Yorkshire to the sea—defies any credibility. Can you explain that?

Sam Hartley: As I said, Mr Morris, I do not think this is the setting for me to explain a particular constituency issue in the English Commission. I am under the impression we were brought here to talk about the rules and the principles about it and the future for the boundary review. A lot of evidence has been received about your particular area; the commissioners have looked at it already, and they will continue to look at it. This process has not finished, as you know. We across the country have another 10,000 representations from the last consultation to get through, and the commissioners will be making their judgments based on those representations before they reach their final recommendations.

David Morris: I believe that with the newly created seat of North Lancashire, which is literally north Lancashire, only 20 people put the consultation forward, and half of them did not want the North Lancashire seat created; however, 7,500 people from Morecambe and Lunesdale wanted to keep the boundary and actually take in a percentage, if I remember rightly offhand, of 8% from Lancaster. The seat was abolished because the Boundary Commission said in its findings that they wanted to keep the city of Lancaster intact. In layman's terms, 8% taken from Lancaster is seen as less preferable and it is preferable to abolish a seat. The maths do not stack up, I am afraid.

Q36 Chair: Perhaps you can answer that in general terms. How do you balance considerations of that kind when you are making your determinations?

Sam Hartley: It is very difficult, and there is not really one answer to that. We have the statutory factors. The one that cannot change is the 5% tolerance, apart from the excepted constituencies, then there are the other factors around matching to local-government boundaries, to existing parliamentary constituencies, taking into account geographical factors and then, if you like, the most challenging one, why we rely on these consultation periods, which is about the breaking of local ties in



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certain areas. It is difficult, and that is what our commissioners do. They look at all that evidence, and they bring their own experience and their judgment to bear on that as well.

I make one final point, which is that we have to look across the whole country and indeed in England across the region. We have to take into account the knock-on effects of any particular isolated proposal or counter-proposal across the whole region, and that is quite difficult when we have the 5% threshold that we have.

Chair: Last question, David Morris.

Q37 **David Morris:** Yes, of course. I understand exactly what you are saying there. However, on the local radio the Boundary Commission was running an advertisement saying, "Have your say". Since then another 1,000 went into the Boundary Commission—bigger than most counties, I believe. Would you be looking at my seat again, or have you made your mind up completely now?

Sam Hartley: We are looking at every seat. This process has not finished. We finished the final consultation in December, and, as I said, we have 10,000 more public comments to get through before we make the final recommendations in September of this year.

David Morris: And 1,000 of those came from Morecambe and Lunesdale.

Sam Hartley: I cannot confirm that.

Professor Henderson: I think that underlines the importance of the consultation part of the process here. With the three rounds that we have had it has allowed us to listen to what citizens want in terms of their boundaries, and in Scotland we changed 77% of our boundaries or names, 63% just boundaries alone; 63% were changed from the initial proposals to the revised, and I think that really emphasises the importance of the consultation periods.

Chair: Two supplementaries, one from Sandy.

Q38 **Sandy Martin:** You have already touched on this, Mr Hartley, but you mentioned the difficulty of achieving anything that was meaningful geographically; the more tight the maximum percentage difference allowed, the more difficult it becomes. Would I be right in assuming that if you have to work within the 5% you may well have to cross county boundaries, that you are already crossing all sorts of other local authority boundaries, that the constituency shapes will actually bear significantly less relationship to anything that is meaningful to the voters on the ground than it is at present and the tighter the percentage maximum becomes the less each constituency will bear any relation to anything that anyone recognises on the ground? That is correct, isn't it?

Sam Hartley: It is correct to say that the tighter the tolerance level the more difficult it is to get constituencies within single counties, because obviously counties are not the shape of constituencies.



- Q39 **Mr David Jones:** Following the same line, then, Mr Halsall, in terms of Wales, where of course you have proportionately a larger number of seats disappearing than in any part of the country, how challenging have you found it to reflect local community ties in drawing up the new Welsh boundaries?

Steve Halsall: I think it is something that obviously the Commission has taken a lot of time to look at, particularly, as we have said, with the representations that we have had. That is why we made so many changes from our initial proposals to our revised proposals, because these types of issues were brought to our attention and proposals were made and counter-proposals were made that could take those into account, and that is what we have done.

Certainly, the reduction in Wales has made, as I say, a significant change to the existing pattern of constituencies, and it is always difficult to make those patterns fit in with the unitary authority boundaries, because there are 22 in Wales of quite widely varying size. To fit those with the constituencies is difficult.

- Q40 **Mr David Jones:** Presumably, the relatively lightly populated character of much of Wales has affected the problem too?

Steve Halsall: Yes, certainly. Because we are now looking at larger numbers of electors per constituency, it means in the rural areas those have to be proportionately larger constituencies.

- Q41 **Mr Marcus Fysh:** I want to follow on the same topic. Just to get back to Mr Martin's point about the tightness of the leeway that you are effectively given to make these adjustments, what is your judgment of the proposal that is mooted in Parliament at the moment of a 7.5% margin being allowed on 650 seats? How much more scope to not have to cross county boundaries, for example, does that give you relative to the 600 seats at 5%, or is it impossible to say that because it is different in different parts of the country?

Sam Hartley: We have not conducted that exercise. To give you an authoritative answer, we have not sat down and looked at what the allocation would be and how many constituencies we could fit into different counties. To go back to where we started, we are working towards the 2018 review based on the current legislation, and that is and has to be our focus.

- Q42 **Chair:** But 7.5% does give you more flexibility than 5%?

Sam Hartley: I think we would agree that is empirically the case.

- Q43 **Chair:** But is that negligible or significant?

Sam Hartley: I do not know. We have not done that.

- Q44 **Chair:** You must have a feel for that. Professor Henderson, do you want to—



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Professor Henderson: We do not speculate in terms of what possible rule changes would do in terms of our work, but if we look at what is happening right now with figures for electorates then a 7.5% window would mean that more of our existing constituencies are within parity than if we are using a 5%—

Q45 **Chair:** With significantly less churn?

Professor Henderson: That I could not comment on, because the population moves as well.

Steve Halsall: I doubt if that would be the case in Wales.

Q46 **Chair:** It would be the case in Wales?

Steve Halsall: No.

Chair: No? You do not think it would be the case?

Steve Halsall: Even with 7.5% there would need to be a significant change.

Q47 **Chair:** We would like to get a feel for that, but maybe people less constrained by their statutory roles may be able to help us a bit more with that later on this morning.

Sam Hartley: May I just make a point on the question of the increase to 7.5%? It is a practical point from the point of view of resources and timescales. It would of course increase the number of different variables that we would be looking at and that people would be able to propose to us. Although it might make the job easier in terms of matching existing constituencies, as Alisa said, it would also increase the number of different counter-proposals that we would expect to be put to us, which would increase our workload in that time.

Q48 **Chair:** Are you saying that the more flexibility you have, the more important the public consultation becomes?

Sam Hartley: I think the public consultation is important under either, no matter how flexible you are.

Q49 **Dr Rupa Huq:** You said that there was a huge impact of the public consultation on the latest iteration. I wanted to talk particularly about the public hearings and the effect that they had. Apparently they were not as popular as you were expecting them to be. In 2011 it was suggested that they be completely scrapped. What would the impact on the time taken and the quality of the results be if they had actually been done away with, and how much did these two versions change because of the public hearings?

Steve Halsall: I think in terms of the time taken it will not make any difference, because the public hearings were held within the initial 12-week consultation. If the consultation period stays the same, having



public hearings or not would not reduce that timescale. It would obviously help us in terms of resources in holding those public hearings.

In Wales our public hearings were not particularly well attended, but we did get useful information out of those public hearings, and I think particularly some of the political parties revised their suggestions as a result of attending public hearings and hearing what other people said; so, there was a benefit.

Eamonn McConville: In Northern Ireland we found them hugely useful. Again, like Steve says, it would not reduce the timescale, because they take place within the 12 weeks. Ours actually had an increase in attendance—they were more popular than before—and the information that was provided to us during the public hearings was of a high quality.

Sam Hartley: The value to the English Commission of public hearings is mixed. Many of our commissioners feel that they understand the issues in the areas that they will be looking at from going along and listening to what people have to say and looking at maps as people talk to them and talk to their presentations.

As has been mentioned, there are practical problems with the organisation of those hearings, which has to happen well before we know where the contentious areas are going to be, so you are left with certain areas where there will be very little contention in a particular area because we are booking local authority council chambers or conference centres or whatever months in advance because of the timing of those hearings and we do not know where the areas of contention are going to be. But certainly we have had a lot of feedback that in the areas where they are well attended they do prove valuable for our commissioners and also, as Steve mentioned, the political parties; they do change their counter-proposals put to us based on what people have said at those public hearings.

Professor Henderson: I would agree with that entirely. Ours were not particularly well attended. We faced an issue of having to select ahead of time the five locations where we would hold them. We found the fact that we were limited to five a bit of a challenge as well, and we assumed that because there had been more significant change, we felt, in the boundaries, we put one in Inverness, for example, where in fact, had we known what the public mood might have been in reaction to other changes, we would have perhaps put it in Aberdeen. There is a location issue, there is a limit on the number issue, and then there is also at what point they occur in the consultation period. While I would not want to comment on the review that is currently in progress, evidence to a previous Committee suggested that it might have been worth thinking about putting them in the secondary consultation period, because then the public hearings allow people an opportunity to respond to what was raised in the initial consultation whereas the initial consultation and the public hearings are happening at the same time so they cannot react to



what people have been saying about boundaries and they cannot confirm, "Actually, that is an issue", "Actually, that is not an issue", and so on. There are challenges with them; but the bulk of our consultation evidence came in either via the portal, in the post or via email.

Q50 Dr Rupa Huq: That is interesting. Our guidance says that removing elements of consultation could speed things up by a year but not the public hearings; people seem to think that that is within the envelope.

Professor Henderson: They take place in the middle of the initial consultation. It is not adding to the timeline.

Q51 Dr Rupa Huq: Yes, and if Parliament decides to look at the rules again I think, Mr Hartley, you said that there were technical issues that could be improved. What kind of things would you consider? Also, I just wondered how closely you speak to the Electoral Commission, because they have done a report on the 2017 election saying that these reviews should be after big electoral events. Since 2015 we have had so many things: the referendum, the 2017 election—the registers are a bit old. Just what technical things could be improved?

Sam Hartley: As Alisa mentioned, the Commissions gave evidence to the Political and Constitutional Reform Committee in the last Parliament before this review started and commented on the public hearings. There are other quite technical bits of the current legislation that I am happy to write to the Committee about. I am not sure whether it is relating to things like how we get data for polling districts and things like that; I am very happy to write to the Committee on those issues. The public hearings is one that I do not think we would have a view about whether they should happen or not, but certainly we would have a view on the practical implications of the timing of them happening so early in the consultation period and therefore, as we have said, the value of having to choose the locations before we know where the areas of contention are going to be.

In relation to your second question, we do not have any formal lines of communication with the Electoral Commission, and in terms of the timing of when these reviews happen that is for Parliament to decide, not for us or the Electoral Commission to decide.

Q52 Dr Rupa Huq: Can I just add a mini one? In west London it really did change; I think it is better for me, this second one, or I feel more comfortable with it, because it is within the same borough, whereas the other one would have straddled two different London boroughs. You wonder with these things where it all starts. Is it true it was to keep Kensington and Chelsea together, or is that just a west London rumour? That is what is going around the grapevine.

Paul Flynn: That was a brilliant success, wasn't it?

Sam Hartley: That is not true at all. We do not start in London by keeping Kensington and Chelsea together. Over and above the factor of



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taking into account local government boundaries in an area like London it is incredibly difficult. In practical terms we start all over the place and then we try to get the best pattern based on the factors that we have.

Dr Rupa Huq: It is all a bit hypothetical anyway, I feel. But anyway, all right.

Q53 **David Morris:** Why are the electoral boundaries important in the health of our democratic system? Sam, would you like to go first?

Sam Hartley: That is not something, I think, that the Boundary Commission is—

Chair: I am sorry, I have made a mistake. I apologise. Are there any other supplementary questions?

Q54 **Paul Flynn:** I find this session an embarrassing one, because we have to declare an interest and there is no subject on which we have greater interest than our own employment in the next few years. We can hardly approach this in an objective way. I am not certain what the purpose of this meeting should be. I am unhappy about the situation. Having said that, I am certainly not going to make any reference to my own constituency. I accept the objectivity of the decisions being made in Wales since the 1983 election reorganisations that took place. But I would like to ask why Ynys Môn was not regarded as a protected constituency like other large islands were throughout the United Kingdom.

Steve Halsall: That was something that was raised in Parliament when the legislation went through when discussions were held about the other protected areas. I understand the issue of Ynys Môn, but Parliament did not agree to include that in the legislation.

Q55 **Paul Flynn:** What effect did the public consultations have? You mentioned that they were valuable. What changes took place as a result of public consultation?

Steve Halsall: One of the areas you may know is we split Port Talbot and Aberavon in our initial proposals; because of the representations and information we had, we tried to change that so that they keep some sort of continuity between those two areas.

Up in north Wales there was concern about the very large constituency that went from the Llŷn Peninsula right into Denbighshire, and we tried to make adjustments to that because of the representations we received. Our revised proposals changed in that respect.

Q56 **Paul Flynn:** How certain are you that the public consultations represented the mass of public opinion and not the vested interests of political parties and other pressure groups?

Steve Halsall: It is a value judgment. We just have to look at what we have. Do the counter-suggestions fit within the rules? In some of the instances some of the political parties actually agreed on counter-



proposals. That quite clearly shows that there is some weight in representation there.

- Q57 **Paul Flynn:** I was interested in one of the answers given about the fact that this boundary review for parliamentary constituencies is carried out in a vacuum and is not affected in any way by previous decisions on representation in the Welsh Assembly and the Scottish Government, whereas the justification for the reduction of MPs in the past has been the institution of both of those—well, on lots of them it was not in Wales but in Scotland, but the reason given for the reduction of Scottish MPs that took place was entirely because of the establishment of the Scottish Parliament, and don't you think now that it would be premature to proceed by reducing the number of Welsh MPs without entering the demands from Laura McAllister and others who say that there should be adjustments because of the reduction in the number of MEPs and the proposed number of MPs?

Steve Halsall: Clearly, any proposals for the number of Assembly Members has to go through the process within the National Assembly when they have those powers.

- Q58 **Paul Flynn:** They have said that they are not going to consider this until 2019. I believe this legislation will not go anywhere, and I think it is a futile meeting that we are having this morning. The political reality is that this would be blocked by Parliament. It is wanted by Government. There is a difference between the two. I believe Parliament will not go ahead with this proposal, because it is clearly for a one-party advantage and not the improvement of the quality of democracy.

If I can take you back to the previous set-up of this year spent in public consultations, if you get a mass petition and you can see it is organised by a political vested interest do you dismiss that entirely, or do you give it the worth that is entitled to, which is probably very little?

Steve Halsall: As Sam was saying, it is not just the numbers that we look at. We look at the evidence that that is based on. If it is a petition giving particular evidence saying, "This area should be with that area", and giving evidence on that, it is the evidence that we look at rather than particularly the numbers that are writing in.

- Q59 **Paul Flynn:** Are your commissioners entirely politically blind? In Wales, I do not know how much attention you pay to the linguistic and the rural nature of Wales but also to the effect that your proposals would reduce the number of Labour MPs and Conservative MPs by a fairly large percentage but would reduce the Plaid Cymru MPs by 50%. Is that a consideration, that you regard it would be devastating for one party from a representation point of view?

Steve Halsall: I would not say that our commissioners are politically blind; I would say they are politically independent and do not take that into account when they are making their proposals.



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Paul Flynn: Unlike Government's intentions; thank you.

- Q60 **Dame Cheryl Gillan:** Just a quick question; it is really an opinion more than anything else. Devolution has really actually changed the nature of MPs' roles and jobs, whether it is devolution to a city area or to a nation within the United Kingdom. Do you think that the change in role should be reflected at all in the way in which you look at boundaries?

Professor Henderson: I think that is a political question rather than one for us as members of the secretariat or members of the Boundary Commissions.

- Q61 **Dame Cheryl Gillan:** Is that something that you would look at as members of the Boundary Commissions in any way whatsoever?

Sam Hartley: No.

Professor Henderson: It is not in our remit.

Steve Halsall: No.

Chair: Sandy Martin.

Dame Cheryl Gillan: Mr Halsall was going to say something there.

Steve Halsall: All I was going to say was that it is the legislation that sets out how we do our work and it is in informing that legislation that those issues should be considered.

- Q62 **Sandy Martin:** I am going to ask a rather naughty and slightly off-the-cuff question as well, Chair. When you make a change to a constituency there are people in the parts of the constituency that go into another constituency who will not be given the opportunity to vote on whether or not their MP has done a good job for them. There are a large number of people in this country who have no idea which constituency they are in because one year they were in Basildon West and the next year in Basildon East or they were in Rayleigh South and they are now in Rayleigh North. I know my own mother finds it quite difficult to remember which constituency she is meant to be in, having been in three constituencies without having moved. Don't you think that this is a bit of a problem for democracy as a whole, that we actually have a situation where the basis on which people are voting is actually being undermined by the changes in constituencies?

Sam Hartley: As you may expect, I do not think we are going to comment on that. As we have said, our role is to carry out the boundary review on the basis of the rules that we have set by Parliament. It is not our role to do public information or tell people which constituency they are voting in. It is very clear what our role is, and that is what we will do by September this year.

Chair: Thank you very much to you all. I can express some disinterest myself that my constituency boundaries are remarkably similar to the constituency that Samuel Pepys represented in the 1650s. I have an



advantage of having a lot of coastline. Thank you very much for being with us. You have been very helpful and informative and, I am sure, as open as frank as you can be. Could you also take the thanks of this Committee back to your staff? You all know how important your work is and how valued your impartiality and objectivity is, however frustrating it may be for some of us. Thank you very much indeed.

Examination of witnesses

Professor Jane Green, Professor Ron Johnston and Professor Roger Scully.

Q63 **Chair:** Thank you to our second panel of witnesses this morning on the parliamentary boundary reviews. The same rules apply: short questions, short answers. Can I start by asking each of you to identify yourselves for the record?

Professor Green: I am Professor Jane Green from the University of Manchester.

Professor Johnston: I am Ron Johnston. I am at the school of geographical sciences at the University of Bristol. I did my first research on Boundary Commissions in 1979.

Professor Scully: I am Roger Scully. I am a professor at Cardiff University.

Chair: It is a great pleasure to have a former vice-chancellor of the University of Essex with us today.

Professor Johnston: And speaking to my former MP.

Chair: That interest has been duly declared. Can I ask David Morris to open this evidence session?

Q64 **David Morris:** Good morning. Why are the electoral boundaries important for the health of our democratic system, and to what extent is the perceived independence and non-partisan nature of the boundary review process important for public confidence in the wider system? Would you like to go first?

Professor Johnston: Okay. Why are they important? Because we have a history going right back through the history of Parliament that Members of Parliament have represented places. In the first Parliament they were called people from the shires and then from the boroughs, and as more boroughs were created more MPs were created to represent the boroughs.

Why is it important that the boundaries are drawn by independent commissions? I would merely point you to the United States and gerrymandering, the fact that in the vast majority of the states the



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creation of district boundaries for the House of Representatives as well as for State Assemblies is undertaken by the political power in the state at the time. This has been challenged many times in the courts, it has always failed, and what happens is increasingly the boundaries are gerrymandered and so you will get a party that could have a majority of the votes in the state but a minority of the seats. We do not have that, or very rarely, in this country, because the boundaries are drawn without any political motives in mind.

However, you do have the public consultation, and we do know that the public consultation is dominated, not surprisingly, by the people who have most interest in that, and that is the political parties. They try to change the Commissions' minds on what they propose, though of course never mentioning the political games they may make from that. They use all sorts of other arguments, which are allowed within the rules. When we did our big book on this 20-odd years ago we found a whole page of amazing arguments that were made to change boundaries. The one I always remember is, "You have to have those two wards together because there is a golf course that crosses the boundary". I do not think the golfers were really the important matter.

But that is minor. Particularly those of you who have been MPs for some time will know that at some reviews one party has been better organised than another in influencing the outcomes. There is no doubt in the reviews in the early 1990s that the Labour Party certainly outgunned the Conservative Party and more recently it has been the other way round.

Q65 **Chair:** Do the other panellists wish to make a comment on that?

Professor Green: I would echo everything that Professor Johnston has said, but I would also ask the question of what aspects of boundaries are important. Clearly, the aspects of boundaries that are important are the political aspects and the winnability of those seats. The other reasons that are being discussed are of course equal parity, the work that MPs have to do in different constituencies, the regional or geographic integrity of those constituencies and perceptions about local areas.

One of the points I would be very keen to make today is that there is I think very mixed evidence for the representativeness of people's concerns about geographic integrity and about regional areas' perceptions biases in those but there is a more fundamental problem in the goal of equal parity. I think what was not discussed in the previous session was that the goal of equal parity is based upon one set of figures, which is of course the Electoral Commission's estimates of the number of register entries and the ONS's calculations based on that for the mid-year estimates of the eligible population, and it will not surprise you to know that the accuracy of those figures is currently around about 90%. Indeed, the Electoral Commission's estimate of the accuracy of the registers in the last count was around that level. Of course, that means they are 10% inaccurate, and yet the proposals for equal parity are based on a smaller percentage than that inaccuracy, and I would be very happy—but I have



spoken for a while—at some point in this session to talk about other problems of accuracy.

Q66 David Morris: You touched on a very pertinent point on that, because from recollection, without reading the notes, the figures were judged from December 2015 and since they have dramatically gone up with voter registration. What would you think would be the effect of cancelling the 2018 review due to this particular issue and also looking at representation on 650 instead of 600? In the last panel I was told by one of the secretaries that there was an inference of European regions to be taken into consideration. Well, we are coming out of Europe. It is really a bust argument now. Do you think the public would have no confidence in the system as it currently stands, given that, first, those figures are out of date; secondly, we are coming out of Europe; and thirdly, because of that we need more representation on a Parliament scale for legislative process?

Professor Green: Questions about what the public understands and knows about the details of boundaries, the Boundary Commission, the cost of Boundary Commission cancellation or the cost of the boundaries going forward, questions about how much people know about their constituency boundaries, could people draw their constituency boundaries, do people know what constituency they are in, are all based on anecdotes, really. One of the things I did not say in my introduction is I am a co-director of the British Election Study. We care a lot about representativeness of public opinion and trying to gauge good estimates of what public opinion really is. All we can do is guess, and we can guess about the impact, for example, not just of whether or not the boundaries are equal in size or inaccurate in their estimates of equity but also in perceptions of waste of public money and processes.

I think these things become information that the public has when they are publicised and politicised and without the publication and the politicisation then it is much less likely that the public are going to be aware of those things, and, of course, there are different camps that are trying to politicise and publicise those things. We do not know what comes into the public consciousness and how much it matters.

I would say about the actual accuracy figures that there are sources of accuracy that are highly problematic. One of which is of course—you have talked about the increase in completeness of the registers, but of course there is the question of the accuracy of the registers, which I think has not increased. Also, there is a problem of course that our electoral registration system—the Electoral Commission just does not have data on some key factors of that process. There are things they still cannot know, for example the proportion of people who have dual registration on the electoral register, which could be a non-negligible number.

I know about those things, and I am worried about those things, but I do not think the public would understand, not because of an normative



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statement on public interest, lack of knowledge or ability to understand but because those things do not become politicised or publicised.

Chair: That was a very long answer, which was very interesting, but can we have short answers?

Professor Johnston: Quickly, then, on the Union regions, those regions are the regions for which MEPs are elected; they are also the standard regions for statistical reporting in this country, and when the 2011 Act came in because the then Government did not really have much desire for regional assemblies they decided to call them the European regions. They still exist for much statistical reporting in this country.

The Boundary Commissions are not required to use them. The Act suggested that they might. They are only used in England anyhow; the Boundary Commission before it undertook its first review under the 2011 Act and undertook a consultation, "Should we use them?" and the overwhelming evidence that they got was, "Yes", and so they do use them. Constituencies are constrained within those regional boundaries. If they were not, if the Boundary Commission for England were just told to use England as a whole, the options would increase exponentially, their job would increase exponentially, and the public consultations would increase exponentially. It does constrain them, but there are certain example that I can quote you details of—we will not take your time—where the existence of a regional boundary makes for a very odd constituency being proposed.

Q67 **David Morris:** In short, what you are saying, effectively, panel, is that if the 2018 review was cancelled there would not be any knock in confidence in the democratic system, especially given the option of the criteria that were set out in the first instance, which was that we had to use the European boundaries or European regions, which is now a null and void argument because we are now coming out of Europe.

Professor Johnston: The Boundary Commission when it does its next review could consult and may decide not to use them.

Q68 **Chair:** Does Professor Scully want to add anything?

Professor Scully: Just on that general point about public knowledge, Jane and the British Election Study and others have looked at various aspects of public attitudes, and I think concern about constituency boundaries does not come very high in the list of major public political concerns and if it ever does become the major topic of conversation down at the Ferret and Follicle then that is an indication both that there is an extremely slow news day and also that something has gone very wrong. Mr Morris earlier had an example of an instance where there were large numbers of people putting in views, and I think these things tend to happen both when there are political parties with a strong interest but also with some particular local grievance or concern around which things can be mobilised.



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In general this is not a major issue, and while we continue to have a system that one referred to earlier of impartial Boundary Commissions where we do not have deliberate partisan gerrymandering then it is generally not going to be a major item of public concern most of the time, which is as it should be.

Q69 **Chair:** Can I just ask a supplementary? In 2001, it was calculated that if the Labour and Conservative parties had received the same number of votes Labour would have had 142 more seats than the Conservatives. Obviously, political parties get very exercised about this sort of thing. How seriously should the public take this kind of projection?

Professor Johnston: I would think that if there was debate about the nature of British democracy, the fact that there is so much bias, as we call it, in the system that when two parties have an equal share of the votes one party gets many more seats than the other—2001 was the extreme.

Q70 **Chair:** But does that not depend upon how the third parties split the votes?

Professor Johnston: That was basically why it happened; not only so.

Q71 **Chair:** That is very difficult to predict, isn't it, because in the recent election the Conservatives lost seats but increased their share of vote?

Professor Johnston: Indeed.

Q72 **Chair:** How relevant is it as a consideration to determine boundaries?

Professor Johnston: That bias figure that you have quoted for 2001 favoured Labour very substantially. If in 2017—let us talk in round numbers—the Conservatives got 42 and Labour got 40—if they had both got 41, the Conservatives would have had 11 more seats than Labour, the bias is still there but it is much less. There are a number of reasons for that, and the major one is the decline of UKIP and the Lib Dems over recent—

Q73 **Chair:** There are electoral reasons for that rather than boundary reasons, is that what you are saying?

Professor Johnston: No, because you could put a different set of constituencies on and get a different result.

Q74 **Chair:** But how realistic is it to try to design boundaries to prevent bias when in fact big swings between major parties and minor parties seem to have a much bigger effect?

Professor Johnston: You are right, Chairman, the major issue is the distribution of geography of votes for each party, which is not that function to the Boundary Commission has taken account of. They put a set of constituencies over those distributions. Different boundaries will produce different biases but only slight variations around them.



Q75 Dame Cheryl Gillan: Just to repeat my question to the last panel, do you think there should be some qualitative analysis of the nature of an MP's jobs when you are looking at who covers what? Devolution has produced this asymmetrical nature now of the job of an MP. An English MP who is not in, say, a Manchester or a Birmingham does a job that covers a much larger range of subjects than an MP in Wales, Scotland or one of the devolved city regions. It also costs the taxpayer a great deal more to have the same service delivery from an MP. Do you think that qualitative angle should now have some sort of impact on the way in which we look at boundaries?

Professor Johnston: I am not sure the way we look on boundaries; it is the way we look on the whole nature of how many MPs, how many MEPs and so forth there are, the country has been totally inconsistent on this. When devolution was introduced to Scotland and Wales at the end of the 1990s the number of constituencies in Scotland was reduced as a consequence, but the number of constituencies in Wales was not.

In the 1970s, before I think it was 1978, Northern Ireland was under-represented in the House of Commons because it had Stormont. It kept Stormont, but it got seven more MPs. Constitutional decisions have been made for non-constitutional reasons, I may suggest.

Professor Scully: If I could just follow on from Ron on that, there are various historical examples pointing in different directions on this. For approximately 50 years we had Northern Ireland systematically under-represented in relation to population here, partly justified because it had very substantial devolution. More recently, we had the reduction in Scottish over-representation, not complete elimination of Scottish over-representation, after the introduction of the Scottish Parliament. There was no equivalent reduction in Wales, but then, of course, you could say the Welsh Assembly for quite a few years was not a primary law-making Parliament. It is now but in a narrower scope of policy areas than the Scottish Parliament is. Do you need to make some sort of allowance for that?

It is quite true that certainly Members of Parliament from Scotland and Wales, particularly if they strictly keep themselves to involvements in issues that are non-devolved, in a sense do cover a smaller range of political subject matter than MPs from England do. On the other hand, it could also be argued that for instance MPs particularly from the north of Scotland and rural west Wales have more travelling to do to and from the job here than MPs in most of England do. There are all sorts of different factors. There is the rural nature of a large number of Scottish and Welsh seats as well and relatively poor internal transport links. All of those factors potentially could be thought about as being relevant to the demands on a representative. We could also have a much wider debate about what we actually want representatives to do in this place, whether they are from England, Scotland, Wales or Northern Ireland.

Q76 Dame Cheryl Gillan: That is the sort of debate that I am trying to start,



because obviously we are bringing back powers from Europe; that is going to change again the nature of the job that every MP does. This is not to put down colleagues that sit for seats in representative areas but just to try to get this debate going, because it also means that the demands on an MP's office and the resources that are made available—at the moment they are totally equalised right across the board, but you could argue that the voter, the member of the electorate, in a devolved area gets a lot more money spent on them, on their representation and on their democratic processes than, say, does somebody in an English seat that does not have any devolved nature to its operation.

Professor Johnston: One of the issues about which we know very little is what the actual workloads of MPs are. One of the arguments about variations in constituency size is that this affects MPs' workload. My local MP told us in our local paper a fortnight ago that he had over 300 constituency visits during 2017 and over 25,000 emails and letters. I have no idea how typical that is. Salisbury is a fairly big constituency but not one of the biggest by any means. Does it really vary that much? We do not know, but it does sound to me like a massive workload.

Q77 Dame Cheryl Gillan: When we are looking at the way in which we have our representation structured, there should be some element of it that looks at qualitative nature of the representation—is that what you are saying? This is not, "I do more work than Mr Cowan does or Mr Jones"; it is quite the reverse. It is just to try to see whether there is some element of that qualitative nature that should be incorporated into this whole process of looking at the way in which we are represented.

Professor Green: One thing I would love to add is that even if we were successful in our ability to equalise the number of eligible voters in a constituency and equalise that across nationally of course you would have all of those different compositional differences. One of the things we still would not know, however, would be how many ineligible residents the MP is actually representing. My colleagues and I, led by Jon Mellon, have just written a paper looking at this, and we are looking at how the total population turnout differs over time from the proportion on the registers, the reason that gap is in fact increasing is because the proportion of ineligible residents has been increasing over time, and so what that may mean is you may notionally equalise the constituency sizes based on register entries, of course with all of those difficulties that I outlined, and still have substantial variation in the proportions of ineligible but nevertheless resident constituents that an MP is serving in their constituency. Those calculations are very important. For turnout you get a very different answer. If we look at 2017, I think we had a turnout of just under 70%. If you just use the eligible residents, that is almost 80%.

Chair: We have a queue of supplementaries—you will have to be patient— and that is starting with Kelvin Hopkins.

Q78 Kelvin Hopkins: I am very interested in electoral systems and always have been, and the system and the arrangements make a real difference



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to election results. Professor Johnston touched on America, where the gerrymandering of seats, particularly for congressional seats, mean that they try to make as many state seats as possible, but on a spectrum you could organise a system where the country is dominated by a vast number of safe seats and a very small number of marginals, which may mean that a big swing in votes could make very little difference to Parliament.

Equally—and IPPR have argued this—they ought to consider making more electorally competitive seats. You could equally have a system, an extreme system, where all the seats were electorally competitive and a small change of 1% or 2% could see all seats switched from one side to the other. Where do you draw the balance? There has to be some kind of reasonable balance between that, I think.

Professor Scully: In pretty much any electoral system except where you have one single national list you have to draw a line somewhere, and those lines almost inevitably will have some kind of partisan consequences. I think it would be extremely difficult, very hard on the various Boundary Commissions, to try to actually leverage in electoral competitiveness as an additional consideration. I think, as we heard in the previous session, they are juggling enough balls in the air as it is. Particularly under the current legislation they have a very difficult job to try to equalise constituency sizes. If we were to try to introduce another criterion, of electoral competitiveness, I think the job would become significantly more difficult again, and I think that would be an unreasonable burden to try to put on commissioners who are designed to be impartial and to try not to take into consideration matters of party success or matters like that. I think that would be an undesirable step for us to even consider taking.

Professor Johnston: We did write a riposte to that report. Apart from anything else, it would be impossible, because we do not have any data on a spatial scale smaller than a constituency on voting patterns and we do not know voting in wards at General Elections. All we could use is voting at local elections, and with the turnout level at local elections it is very difficult to scale those up. It would be impossible for them to do it even if it were desirable, and I do not believe it is desirable either; though there is a problem, because the number of marginal seats has declined very substantially over the last 50 years. It depends how you define one, but if you take a marginal seat as won by less than 10 percentage points—I am sure most of you if you had less than 10 percentage points' margin would think it was a marginal and you would be fighting hard—that has more than halved since the 1950s.

Chair: I have stood in General Elections where safe seats turned out not to be so.

Kelvin Hopkins: Can I just say this fact: I remember, just, the 1951 General Election, when Labour had an historic high in votes and lost the Election.



Q79 Ronnie Cowan: We have touched upon percentage of votes relative to the number of seats, and we are now talking about electoral competitiveness. Are we in danger of redrawing boundaries to support first past the post when we should be looking at proportional representation?

Professor Johnston: Mr Flynn and I have discussed this in meetings before. Yes, but the one time that you invited the country to vote on something that was not proportional representation—it was just slightly different from the current system—you got an overwhelming majority against. Many people believe in proportional representation, but we have never got anywhere near having it.

Paul Flynn: Part of the reason was that the country was told that they were in favour of a better democratic system maybe—they were also in favour of seeing some of our soldiers shot in Afghanistan and babies killed in hospitals. That was the level of the public debate that Mr Cowan was demonstrating vividly at the time he took it. The idea that you get a fair debate on an intelligent subject like that is for the birds.

Chair: I think that is a different matter.

Paul Flynn: But interesting.

Chair: Just very briefly, can we have answers from the panel, please, to that point?

Professor Green: I have a point to make about proportional representation and another in regards to first past the post and marginality. Under first past the post which seats are marginal and how marginal those seats are will of course vary according to the electoral context. I am slightly going back to the other point, but to say we should try to arbitrate for the number of marginal seats is so time-bound within a very time-varying political set of outcomes.

The other point to make about PR is that I think it provides interesting context to the discussion we were having earlier about public interest, public demand and how many more people would want to demand PR versus how many people would want to demand some sort of arbitration on electoral boundary. That number would be greater of course for PR. That does not necessarily mean it is going to get support or have shelf-space.

Chair: Moving on, Ronnie Cowan, you wanted a supplementary?

Ronnie Cowan: I have just had it.

Chair: Oh, you have had it? Okay; David Jones.

Q80 Mr David Jones: Professor Green, you mentioned briefly the issue of dual registration, which I have always found quite fascinating. This is a phenomenon, I guess, that is most pronounced in university towns, where you have a large influx of people from all over the country who can vote in the election locally, or they could decide, if they wish to do so, to



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vote at home, depending on where they think their vote counts more. How do the Boundary Commissions take into account this phenomenon when setting the boundaries? Clearly, it must have a major effect. I am thinking, for example, of a small seat like Arfon, which has a relatively large university, Bangor, which could have the most enormous effect on the outcome of the election.

Professor Green: Two things; one is that it is not just students who can register at two addresses; it is also dual-homeowners.

Mr David Jones: Absolutely.

Professor Green: The estimate that we did in our paper about the number of dual-homeowners was over 5 million in the country, and the number of students was estimated in the Annual Population Survey as just being over 2 million. Let us put all of that together and say first of all dual-homeowners could comprise a larger proportion of the problem, if it exists. Of course that does not mean that all of these people are dual-registered, and it does not mean that all of these people are voting in two places, but if you took the very upper bound that is a very large proportion of the current size of the electoral register, and data on whether people are registered in two addresses is unknown.

Of course, what that means is that it would be conceivably possible to be registered at two addresses, for nobody to know about that and to vote—I am not saying that fraud exists, and I know the Electoral Commission have estimated some degree of the size to which they consider this to be a problem and believe it to be minimal, but that exists as an unknown, and it is not just a question for students.

Q81 **Chair:** I would like to press on; but, very briefly, Professor Johnston?

Professor Johnston: The point about the Boundary Commission is their cap. The act is very clear you take the electoral roll at a certain date and those are the numbers you deal with. The fact is that you have these mobile populations they cannot take into account.

There are two big changes. The first is that until the individual electoral registration Act came in recently students in university-registered residences went on the roll because the university was responsible for registering them. I, as Bernard said, was a vice-chancellor, and at that stage I was responsible for making sure all students in our residences were on the electoral roll. Now that does not happen; they have to be mobilised to go onto the electoral roll in other ways. But the fact of the student populations, and others but particularly—what we saw over time is that urban constituencies tended to decline in population as the set of constituencies aged. You have greater variation between inner-city constituencies and suburban and rural constituencies.

In 1955 when new boundaries came in Conservative and Labour won the seats and had almost exactly the same electorates. By 1970, the last time those seats were used, the average Conservative-held seat had



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11,000 more voters in it than the average Labour seat, because of the decline in the inner cities. That does not happen now. Inner cities are growing again, and partly because of the large number of students. I go through Bristol on the bus and see these many blocks of flats, offices being converted into student flats and so forth, and what you now have is some of the biggest constituencies in this country are inner-city ones. I remember at another meeting we had a few years ago Frank Dobson pointing out that Holborn and St Pancras was the largest constituency in the country then. It is now, I think, about the seventh.

One of the reasons why the Government went for five-year reviews rather than 10-year reviews in the 2011 Act was because of this greater gap, which used to be the case. It is not the case any more.

Q82 **Chair:** But how much of that is dual registration?

Professor Johnston: Part of it is London has grown by 1 million people in the last decade. In the decade before that London was losing population.

Q83 **Chair:** That is not down to dual registration, is what you are saying?

Professor Johnston: Yes. You have to then get them to register.

Q84 **Chair:** Professor Green, you had a point?

Professor Green: Just around this question of the registers, we have to remember of course that the registers are very decentralised and that data on dual registration is not known.

Chair: We are going to come to that with the Electoral Commission at some point.

Q85 **Sandy Martin:** I will do my supplementary, Chair, and then lead straight over to my next question, because I think this is all bound up. Earlier on, Professor Green, you did say about eligible residents and how much work MPs are doing with ineligible residents. Clearly, there are ineligible residents who are ineligible because they have not registered, there are ineligible residents because they are not British citizens and there are various other reasons why people may be ineligible residents, but would you agree with me that the majority—I would say the vast majority—of those ineligible residents tend to be in urban constituencies rather than rural constituencies?

Professor Green: I would just caution against an over-generalisation about that. One of the key groups that composes the ineligible population, which is different from the people who are eligible but have not registered—there are the people on the register, the people that could register and have not, and we know that those people tend to be more likely to be students and more from working-class backgrounds, ethnic minorities and so on—and then there is a group of people who are ineligible to vote in British General Elections, and a large part of that group are from the European Union. If you look from 2001, that



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proportion has increased, and therefore the gap between the total population and the registered population has enlarged over time.

The proportions of European immigrants living in constituencies are not all confined to urban areas. A constituency like Boston and Skegness would have a large proportion of European migrants. Although I think on the whole you may be right, that requires further work, to find out just where ineligible citizens are distributed across the country.

Professor Johnston: Can I just add to that? I have done two pieces of work: first, trying to establish if we had a complete electoral roll if all the people who are eligible to be on the electoral roll were, would that change the geography of seats across the country; and secondly, if all residents, irrespective of their citizenship, could vote would that change too? In both cases what it showed is that probably London would have six or seven more constituencies.

Q86 **Sandy Martin:** Consequent to that, other cities, such as Birmingham, Glasgow and Manchester would also be in the same situation, where there is a significant under-registration, which leads me on to the question about the comparison between the inequity of fighting the next General Election on existing boundaries and the inequity of fighting the next General Election on boundaries determined by a set of statistics set up before the European Referendum, before the mass registration that took place as a result of the European Referendum and the latest General Election and based at a time when individual registration had just been introduced and an awful lot of people had not registered. Would you like to comment on that?

Professor Johnston: Yes, indeed. The situation is that the current review that the Boundary Commissions are doing is on a roll that is relatively small because of the introduction of individual electoral registration and the large number of people who went onto the electoral roll in order to vote first in the EU referendum and then in 2017 General Election are not there.

The current Private Members' Bill requires, if it gets through, the next review to be done on the electoral register at the time of the last General Election, which of course would have those 2.5 million who registered late to vote in 2017 on those electoral rolls. I wonder if those electoral rolls will still exist in two or three years' time for the Boundary Commissions to work on them. That is a big difference. Basically, by this fixed date, the serendipity in the sense of where that fixed date is and the individual electoral registration Act the size of the electoral roll and therefore the distribution of the constituencies is very much influenced.

Professor Green: I would just point out that there is of course a difference between the completeness of the register, which is the proportion of people who have actually registered who are eligible and the accuracy of the register. One could nudge up the completeness a little



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bit, and you might think that that completeness has probably gone up a bit, but the accuracy of the register does not necessarily increase apace.

- Q87 **Sandy Martin:** Obviously, there is a trade-off, but it would not necessarily be a trade-off in the same place. You would expect incompleteness to be socioeconomically and geographically biased, whereas you would not necessarily expect the accuracy to be socioeconomically and geographically biased.

Professor Green: But we do not have any constituency-level estimates of either.

- Q88 **Sandy Martin:** Nonetheless, a more recent 2017 statistical basis would actually produce a much clearer match between the voting intentions of the majority of the population and the number of constituencies.

Professor Johnston: But because the number of constituencies is fixed all that would mean is that the detail of boundaries would change.

Professor Scully: Just to add that, back in the 1990s when we were looking at introducing the boundary changes that were then implemented for 1997 the then Home Secretary, Ken Clarke, talked about if these were not introduced we would still have boundaries that were based on, by 1996, 1997, population estimates that were 20 years old and wouldn't that be terrible. If we stick with the existing boundaries, they were, I believe, based on estimates from 2000.

Professor Johnston: 2000 for England; 2001 for Wales.

Professor Scully: Yes. By 2022 there would actually be 22-year-old data that was used to develop the boundaries. The existing set of boundaries, of course, has certain type of inequity baked in, such as inequity in terms of seats in relation to population between the different nations of the UK. Of course, very notably in my own Wales we have, as was mentioned in the previous session, some very substantial differences in size of population or registered electorate between the different constituencies, and the legislation is seeking to reduce that. There are various ways in which we can have unfairnesses put into the system; no change would be in many respects also a deeply unfair option.

- Q89 **Sandy Martin:** The second part of my question is: do you believe that the voters actually have a sense of that unfairness? Clearly, it is to a certain extent unfair, but do you think that the voters have a confidence issue with the number of electors in each constituency, or would you have thought that the geographical basis of the constituencies was more likely to knock their confidence?

Professor Johnston: My guess is the vast majority are not aware if they are in a very big one or a very small one. I think if you asked in some kind of poll, "Do you think constituencies should have equal electorates?" most would say yes. If you then said, "But that means that your



constituency may overlap two or even three local authorities”, they might be worried.

Currently, in the city of Birmingham each constituency is four wards of Birmingham. Under the proposals that we had in 2013 and in the current ones several wards of Birmingham have to be linked with a ward in Sandwell, a ward in Bromsgrove or somewhere else. You say to somebody, “Would you rather be in a constituency that was just in Birmingham but it was a little bit small or a little bit big?” or, “Would you like all equal—they might go for the former rather than the latter. Equality might not be as important to them.

Then the question is: is it important to MPs? When I read the debate that was held on 1 December on the current Private Members’ Bill, some MPs were arguing very strongly that a constituency should be a community, it should represent communities who have things in common, and there were other MPs who were arguing, “Oh, no, we just represent numbers. It does not matter if some of them are in County X and some of them are in County Y. I just represent all of those numbers”. In fairness, that is the balance that you have to make. By going for a 5% margin of error, you are bound to get, as we showed, irrespective of whether it is 600 or 650 MPs, a lot of constituencies that put together pieces of territory that do not have much in common and split pieces that do. That is bound to happen the tighter your threshold. The report that we did in 2014 showed that the tighter the threshold the greater the disruption and the greater the sense that equality is overriding any of these, if you like, organic or community matters.

Professor Scully: If I can just very briefly follow up on that, I think we are seeing some of these issues particularly starkly in Wales at the moment both because we are proposing to go from 40 constituencies to 29 but also go from a situation where you have had a pretty wide variation in constituency size to a much smaller degree of margin around the central average figure. You combine both of those two, and you inevitably end up with constituencies by all historic and community bases look odd. Both in the previous attempt at the map and the more recent attempt of the map you have things that are annoying some people, yet it is impossible that you could have any situation other than that given the task that the Boundary Commission was given.

Q90 **Kelvin Hopkins:** I have a “Leftfield” question with a capital L. I have thought for some time that constituencies could be based upon populations rather than electorates so that you include children. I have an interest, because I have the highest proportion of children in my constituency than any constituency in the country. It would be geographically much smaller, but I know those children are desperately under-represented compared to other constituencies. Has it ever been made in an academic way? Has anybody put this case forward academically?



Professor Johnston: It has been discussed, and it has been discussed with some MPs, as to whether the Census should be the basis rather than the electoral roll. The arguments for are that the Census is more complete than the electoral roll; although it is not complete, it is relatively so compared to the electoral roll, where it is in a sense voluntarily although legally you are supposed to. The problem is there is a Census only every 10 years and if you are going to have boundaries redrawn every five years how do you do it? If you use the Census, you then also get non-citizens counted, but non-citizens come to your surgeries, I am sure.

Q91 **Kelvin Hopkins:** The present system gives, I would argue, an advantage to the Conservative Party, because a higher proportion of middle-aged people without children and single, elderly people, perhaps, would vote Conservative and families with children would tend to vote Labour but they are massively under-represented in population terms.

Professor Johnston: I am not sure totally on that, but—

Professor Green: All of these calculations come to the fore because of the desire for equity, and so as soon as you desire equity and you are basing that on calculations where you do not have reliable estimates of the size of the constituencies then the total population estimate may be considered much more reliable. That leaves aside the question of children versus adult, voting-age population, but if you wanted to have a calculation that gave a more reliable estimate of equity of constituency size then you would use the population.

Kelvin Hopkins: I am not suggesting that children should have the vote, though.

Professor Johnston: But it would raise problems for people who are currently legitimately registered in two constituencies who could no longer be so. If you are counted by your place of residence on Census night, that would have to be the place where you voted, and if you are a student 600 miles away—well, you can have a postal vote, but—

Q92 **Sandy Martin:** In 2015 the previous Committee concluded that the draft outcomes of the 2013 review were not satisfactory because there was very little continuity with the old constituencies and with the natural community boundaries. Obviously, that is largely something to do with local authorities as well. Do you think that that is an appropriate judgment for us to make in terms of the current boundary review that is going on at the moment as well, given that it is done on very much the same basis?

Professor Johnston: I have not looked at the current proposals in as much detail as I did—because I gave evidence before the Committee that time—for a variety of reasons this time, but I see no reason it is not the same again: that because of the constraints the Commissions have they have to make decisions that are unfortunate; they cannot get around them.



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Let me give you a quick example of one in that previous round. When they came up with their initial recommendations for the Yorkshire and the Humber region they did not change Great Grimsby at all—Great Grimsby constituency was hardly changed, much to my former colleague Austin Mitchell's glee—but Beverley was split in half. The people from Great Grimsby did not bother to go along and make lots of representations, because they were happy with what was proposed. The Commissions always say, "Tell us if you are happy", but people tend not to; they tend to go and complain when something is put up.

The people from Beverley were up in arms, and they went along and said, "No, we want a constituency that is Beverley". "Okay. That is the weight of evidence the Commission has heard. We will now recreate a Beverley constituency." But once you change one constituency because of this 5% thing you have to change everything, and Grimsby was split in two. It was the consequence of having to apply this very rigid plus-5% or minus-5% rule. You are going to produce some anomalies.

Another quick one: the township of Radley in Oxfordshire, which is just outside Abingdon and has a public school, for years and still is in the Abingdon and Oxford West constituency. When the Boundary Commissions produced their recommendations in 2013, they could not create a constituency that had Radley in with Abingdon; it put it in the next constituency, which is Thame. You cannot get from Radley to Thame, because there is the River Thames in the way and no bridges, but they said, "We have no option. That is the only solution we have found we can come up with given the other seats we have created", and that is the sort of thing you are always going to get with this very tight—you have downgraded communities, you have made equality predominant, and you are going to produce anomalies.

Professor Green: Maybe you would ask: should we care? I think my answer is: what evidential basis about public opinion should we use to care? If we care, then it should be based that people really care about those things, that it really bothers them and it is going to have an impact on either their attitudes or their political behaviours, and we have no evidence to support that.

Q93 **Mr David Jones:** Forgive me if I make that point, but surely we do have the public hearings where that concern can be expressed. Are those sufficiently well advertised? Are people sufficiently urged to attend those hearings?

Professor Green: I would just bring us back to the representativeness question. If we are concerned about public opinion, that is very different from the opinions of people that make representations to Commissions. That is not a criticism; it is just a statement of reality.

Q94 **Mr David Jones:** The more people who do give their opinion surely is highly desirable.



Professor Green: Ideally, a more representative sample of people that give their opinion and not just the people who are advocating on behalf of the interests of one political party.

Q95 **Mr David Jones:** As you said earlier, there is very little evidence other than anecdotal evidence for what people believe or think about this, and that may be actually a serious piece of work, doing some genuine public-opinion surveys that are weighted for socioeconomic background and so on will actually provide some indication of what people do actually know and think about the situation.

Professor Green: If resources and practicalities were no issue, one would commission a serious piece of work to look at public opinion. One would, I think, commission a much more serious piece of work to look at the reliability and accuracy, or the ability of the Electoral Commission to deliver those things, of the electoral registers.

Professor Johnston: The things researchers do; I went through all the public inquiries for the 2013 review and worked out who the speakers were. Over 90% were in some way or another associated with a political party. The general public were rarities there. I think Lucy Allan in a debate recently. It is even more difficult now under the current Act. As the Boundary Commissions point out, "If you do not like what we have done, tell us, but please tell us how to do it differently". It is no good coming up with negatives unless you have an alternative. For people who have all the time in the world and have the technical abilities, the computers, to come up with new maps, they can do it. For the general public that is almost impossible.

Q96 **Mr David Jones:** Actually, Professor Johnston, that leads me very neatly on to the last part of my question, which is that—you are, I am sure, all aware of the Private Members' Bill that has just had its Second Reading—in your opinion, would it make sense for us to go for a new boundary review based on a slightly wider flexibility and based on the figures that are now available from the 2017 General Election rather than the figures that were available before the European referendum?

Professor Johnston: I have great sympathy for my friends who work in the Boundary Commissions, but my answer is yes.

Professor Scully: That is two separate questions, actually, of course: greater flexibility is one thing, and then there is the issue about whether we use, for instance, 2017 electoral estimates.

Mr David Jones: The Bill includes both of those.

Professor Scully: Yes.

Professor Johnston: And 10-year reviews not five.

Professor Scully: Personally, I would be reasonably sympathetic, actually, on both points, but you could potentially distinguish those two



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points and look to implement maybe one rather than the other or indeed both or neither.

Professor Green: Again, I would still make the point that even a 7.5% leeway is a smaller leeway than the error that we know about in our calculations of equity.

Q97 **Chair:** Do you think there is time?

Professor Johnston: Sorry, could you say that again?

Professor Green: Is there time to do it?

Chair: Do you think there is time to get the legislation through?

Professor Johnston: I think it would be very tight.

Q98 **Chair:** And to what extent would the consultations or some of the public consultations have to be axed, I suppose?

Professor Johnston: That is what makes the timetable very difficult. As you may recall, when the 2011 Bill was first introduced public inquiries were to go, and it was only a deal that was done by the Government and the Opposition and the Cross-Benchers in the House of Lords that brought them back in and therefore made the procedure longer than it otherwise would have been. The question you have to ask is whether the public inquiries and written representations are both necessary. I think Mr Hartley said that by having the public hearings they get a better appreciation than just by reading, but it does add, I would guess, a year to the procedure.

Q99 **Chair:** They have done much more in writing than orally now, but you yourself say that 90% of the representations are from people connected with political parties.

Professor Johnston: No, I said that for public inquiries.

Q100 **Chair:** Oh, for public inquiries? What about the written representations?

Professor Johnston: There are many more from the general public, but the question is: who has mobilised them to write in?

Q101 **Chair:** They are all spontaneous, surely?

Professor Johnston: There are people who are interested who have no political axe to grind—I can quote you examples from where I live—but many of the people, I am sure, who do get involved initially are mobilised.

Q102 **Sandy Martin:** As a bit of evidence, Chair, I think we had eight representations on the proposed boundary change in Ipswich, six of them were Conservative councillors and two of them were Labour councillors.

Chair: Another bit of evidence, albeit anecdotal.

Q103 **Paul Flynn:** We would all subscribe to the view that you should have



boundaries of equal numbers, as advocated by the Chartists in 1839, who also advocated annual Parliaments, which is rather more important, I think, these days. I am a late convert to annual Parliaments. We are seeing, I believe, the Government behaving in a wholly partial way. Do you think it is a coincidence that with the turmoil we have in the constitution, what is happening in the House of Lords, with possible Russian interference in the last election, with the problems with the disappearance of MEPs, the only issue that the Government is pushing is one that would gain them extra parliamentary seats for their party? Is this just coincidence or—

Professor Scully: The current governing party did not invent partisan self-interest. On matters of electoral systems, political parties are unavoidably and inherently deeply interested parties and pretty much cannot but avoid approach the matter through looking at it through their own partisan self-interest, which they will with greater or lesser degrees of skill seek to portray as reflecting deeply held matters of principle.

Q104 **Paul Flynn:** But a great distortion in our parliamentary system for the last century at least has been the gerrymandering by the Labour and Conservative parties in order to preserve their disproportionately high number of representatives here in Parliament, and any system of proportional representation would have given a fairer representation to the third parties and would have reflected public opinion.

Professor Scully: “Gerrymandering” is a term that academics try to use in a fairly precise sense. Not adopting proportional representation is not something that I think any of us would treat as a bit of gerrymandering. There is a much broader, deeper political question about what sort of electoral systems we should choose and what sort of political representation we seek. Personally, privately, I am broadly sympathetic to arguments for proportional representation, but I think resisting those cannot fairly be described as gerrymandering.

Q105 **Paul Flynn:** Another distinguished professor has recently said that by the changes in the number of MEPs, 20 additional Members of the Welsh Assembly could be afforded, which seems to be remarkable conclusion. In the light of that and the necessity, as referred to by the other witnesses, that there is a balance between the two—you cannot do one without the other, which is well recognised after what happened in Scotland—isn’t it an obvious act of chicanery and self-interest by the Government to press on with boundary changes that are piecemeal at best and corrupt at worst?

Professor Scully: Much of the Committee, I think, will be aware—some may not be aware—the presiding officer of the National Assembly for Wales set up an expert panel that looked into the size and the electoral system of the National Assembly. They have reported back just before Christmas and recommended both the changes to the electoral system but linked to that an increase in the size of the Welsh Assembly to between 80 and 90 Members, principally to reflect the substantially



increased responsibilities that the Assembly has received since it was established with only 60 Members in 1999.

There are obvious cost implications for increasing the size of the Welsh Assembly, and it was pointed out at the launch of the report that right at the moment we are going to be getting rid of, for instance, four MEPs from Wales, we are maybe going to be reducing the number of MPs, there is also an argument certainly in Wales for reducing the number of councillors—last year we actually elected certainly more councillors than Scotland did, for no particularly obvious reason. You could increase the size of the Welsh Assembly significantly while introducing no net additional cost to the public purse in terms of more money being spent on politicians overall. If you are going to do this thing in terms of increasing the size of the Welsh Assembly, for which I think there is an utterly compelling case, then right now may be the politically easiest time in which to do it.

Q106 Paul Flynn: The worst distortion of the views of the people of Wales that has occurred in my 30 years here was the two elections that produced 20% of the total Welsh vote for the Conservative Party and did not produce a single one Welsh Tory MP. They were in the position of having to import governors general from England who did not enjoy the support of one single Welsh vote. Is this not an utter distortion of democracy that needs urgently to be addressed?

Professor Scully: In both 1997 and 2001 the Conservatives failed to win any parliamentary seats in Wales. Of course, they lost those General Elections overall—so, the situation was only relevant to shadow governors general rather than actual alleged governors general. The Conservative Party has generally resisted electoral reform. In that particular instance, in the Welsh Conservatives, that hurt them overall. The Conservative Party overall still is in favour of the first past the post system, I believe.

As I was saying earlier, there are much broader issues for the political system: the type of representation we have, about whether we should move to a more proportional electoral system. As long as we do not have one, then you can get situations like we had in both Scotland and Wales in 1997 where a party that wins a substantial share of the vote has no parliamentary representation at all. That is unavoidably a potential consequence of a first past the post electoral system.

Q107 Paul Flynn: If all the members of the panel had to choose, what would be the main priority in improving the quality of our democracy? What reforms would they like to see?

Chair: Briefly.

Paul Flynn: Well, the first 16 reforms you would like to see that would be better than this one.

Chair: Can you let them answer, please, Mr Flynn?



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Professor Johnston: I would advocate an electoral system akin to that used for the Welsh Assembly and the Scottish Parliament but without regional top-up seats, as in New Zealand, where, although there are obviously some minuses, you get the combination of proportional representation and still the majority of your members representing places.

Professor Scully: I would personally prefer to have something more like the single transferable vote alongside reform of the House of Lords'; so I am not at all unrealistic or ambitious.

Q108 **Chair:** By reform of the House of Lords you mean an elected House, presumably?

Professor Scully: Partially, yes, but that is taking us off-piste.

Q109 **Chair:** Professor Green?

Professor Green: I would like to not answer that question, if that is okay, but, to allude to one point, just on the cost of politics, I would love a system where the cost of politics was not a consideration at all, in the following regard. You have talked about the cost of politics, in this instance the cost of the number of MPs from 650 to 600, as a justification, and by my calculations that would be equivalent to around about seven years' cost of savings equivalent to the cost of the last UK General Election, which of course not everybody is agreed was entirely worthwhile.

Paul Flynn: We thought so.

Professor Green: But, just to put it in context, we are talking about reducing the number of MPs for cost savings. That is a fraction of the cost of the last General Election. The last Boundary Commission cost was equivalent to 7% of the estimated cost of the last UK General Election, and of course we increase the number of elections in sub-national level even for example in the police commissioner elections, for which, of course, turnout in the last round was only 26%. That is my non-answer to what I would like to see.

Chair: Thank you for that.

Q110 **Ronnie Cowan:** Professor Scully said about the partisan, self-serving image that the Members of Parliament and political parties have. The Scottish National Party have consistently supported proportional representation and would vote for a year at Westminster despite the fact that would see our representatives halve in numbers.

Professor Scully: I applaud that. The point I was trying to make is not to particularly serve any particular political party but that all political parties when they approach the matter of electoral systems unavoidably have self-interest at stake and there is no way in which I think we can take that out of the picture.



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Q111 **Chair:** I think we have reached the end. I just want to ask: how fair is it to describe our present voting system as proportional, albeit less proportional than other proportional systems? The question is: how proportional do we want our voting system to be?

Professor Scully: It is not an inherently proportional system. The most recent General Election produced on the Gallagher index a less disproportional outcome than some previous ones but largely because we had a much higher share of the vote being won by the parties that won the vast majority of the seats, but this is not a system that has proportionality baked in. It can happen to produce relatively proportional outcomes or significantly less proportional outcomes depending on who votes, where and basically where the numbers fall.

Q112 **Chair:** Why do you think that the British electorate opted for the present less proportional system than an alternatively more proportional system?

Professor Johnston: They were not offered a more proportional system; they were offered the alternative vote.

Q113 **Chair:** They were offered the wrong system?

Professor Green: I would not say that.

Professor Johnston: Which is not more proportional—it can be less proportional.

Professor Green: I think where this is really important is if you are thinking about parity as a goal, parity of the equal number of constituents implies that we care about parity in the equal weight of every vote, but of course under first past the post with marginal and non-marginal constituencies that cannot be achieved anyway.

Professor Johnston: I have never voted for a winning MP in my life—

Chair: I could burst into tears.

Professor Johnston: —and my vote is never likely to have had an impact in any case. I have always lived, as it happened, in safe seats.

Q114 **Chair:** Unless you live in a constituency where your candidate wins by a margin of one, you could always argue you—

Professor Johnston: Yes, indeed, but if you have multi-Member constituencies and proportional representation your vote is much more likely to count.

Chair: On the other hand—I am not going to get into this argument.

Q115 **Kelvin Hopkins:** One factor we have not thought about and discussed is the happiness of the electorate and the happiness of voters. A recent opinion poll suggests that internationally the people of Switzerland are the happiest voters, and they have governed largely by referenda, it seems.



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Professor Johnston: With very low turnouts.

Kelvin Hopkins: Well, anyway, they are very happy about it.

Professor Johnston: Yes, indeed.

Kelvin Hopkins: Perhaps we ought to think about that.

Q116 **Chair:** Just to round off, the House of Commons is now considering Afzal Khan's Private Members' Bill. To what extent do you think it does address the shortcomings of the 2011 legislation?

Professor Johnston: By widening the margin to 7.5% rather than 5%, it to some extent will remove the Boundary Commissions' phase of having to produce the sort of anomalies we are discussing, because it gives them a little bit more flexibility.

Q117 **Chair:** Anybody else?

Professor Scully: Just to say one other implication, talking about retaining 650 MPs, that would mean very marginally less radical reduction to the number of Welsh MPs. If we also had the 7.5% margin, that gives flexibility for slightly less radical butchery to the electoral map in Wales, where at the moment the proposals are for extremely radical change in much of the country.

Q118 **Chair:** Professor Green, do you want to add anything?

Professor Green: Only that it is slightly less bad than the first version.

Q119 **Chair:** Slightly less bad? What amendments would you make to that Bill in order to make it less less bad?

Professor Green: When I say "slightly less bad", I mean in terms of accuracy. As I have tried to say lots of times, probably at length, if equal parity is the goal we cannot actually know that we are achieving equal parity, and 5% to 7.5% is an improvement, but it does not solve that problem. Would I advocate, therefore, not making any changes at all? It does not come down to my personal opinion about what I favour and how much emphasis I would place on equal parity. If you were to enlarge that margin even more you would sacrifice your notional equal parity, but you would at least overlap the size of those unknowns. Arguably you would get a little bit closer to some sort of approximation of parity, but you would still, I think, not achieve it to any level of reliability that I would be particularly happy with.

I would just come back to my point, which is that it is really tricky using the electoral register—it is not a criticism of the Electoral Commissions and what their work is doing, but it is a problem doing that if you are seeking equal parity, because you are never going to know that you have it.

Q120 **Sandy Martin:** Can I add a corollary to that, which is that we had a proportional top-up system as proposed by Professor Johnston we could



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do away with the quest for parity altogether and still have a fairer system?

Professor Green: And if we had data on the proportions of eligible voters that would also be a good place to start.

Q121 **Chair:** Do you think there is a political consensus in the time available for proposals to be implemented that would result in a new boundary review before the 2022 General Election?

Professor Green: I think that you will have a far better insight into that than I do.

Chair: As has been pointed out, we are all conflicted.

Professor Johnston: If one assumes that the current Act goes through—it will not go through, presumably, until the summer, given the enormous—

Q122 **Chair:** Well, it will probably be in the autumn.

Professor Johnston: Then probably in the autumn; unless you change the public consultation procedure as well, they could not, no. I do not believe it would be fair on the Boundary Commissions, particularly the English Commission.

Q123 **Chair:** You would like the Bill, but you do not think it is going to be in time for 2022?

Professor Johnston: I would like reconsideration of the public consultation procedure, whether you need inquiries and written representations.

Dame Cheryl Gillan: Can I just ask—

Chair: Sorry, can we just let Professor Scully—

Professor Scully: I have nothing to add there.

Q124 **Dame Cheryl Gillan:** Can I just ask a simple question, Professor Green: would it not be better if anybody registering for a vote could only just register at one address at once, whether they were a student somewhere else or whether they had a second home or anything? Surely just registering once would actually clean everything up.

Professor Green: It would be great if we could know that, I would say. The critical thing is that we do not know that. We do not know if people are registered at two addresses, and we do not know if they are voting at two addresses.

Q125 **Dame Cheryl Gillan:** But if we stopped that and just said, “You make a choice. If you are living in different places and you have different homes, you can just register it in one place, and that is it”.

Professor Green: But then you would have a very serious objection, I think, from people who would be extremely concerned about lower



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turnout amongst students. There would be lots of implications of that. One is the fact that that disenfranchises them if they are not resident in the place that they have registered. If they registered in one address and that is their home address but they are away at university during the election period they would not be able to vote unless they went home—

Q126 **Dame Cheryl Gillan:** They could vote by post. They are not disenfranchised. If they are at university they would have a relatively high level of intelligence.

Professor Green: As long as the turnout rate was equal with the postal vote as it was with an in-person vote, then yes, that would resolve that particular problem.

Q127 **Chair:** The alternative is to make sure that there are compatible systems between each local register so that duplicate voting can be spotted and punished. It would only need a few prosecutions for people to realise that they are actually breaking the law and they are going to get caught.

Q128 **Paul Flynn:** Do you know of any evidence that there has been impersonation in the last election, or is this just—

Chair: Not impersonation, duplicate voting.

Professor Johnston: Somebody voting twice, yes.

Q129 **Chair:** There is no evidence of double voting, even though people have boasted about it on the internet and—

Professor Green: My concern is with not with any quantifiable level of electoral fraud where people are voting in two places; my concern is that the numbers that we are using for estimates of parity are based on unknowns about whether people are registered in two places. We have absolutely no quantifiable evidence about people voting twice.

Q130 **Chair:** But again, simple systems—

Professor Green: Well, not so simple, but yes, a really good system.

Q131 **Chair:** No, but, I mean, if every electoral authority used the same software with compatible interfaces it could be consolidated, and the duplicates would show up. It could be done.

Professor Johnston: It would be rather difficult with John Smiths, but—

Chair: Yes, I appreciate that.

Professor Johnston: If you put your national insurance number or something on, yes, you could do it.

Q132 **Paul Flynn:** There are two Committees on this Parliament that have looked at the possible cyber-interference in the last election: the Culture Committee and a Committee in the House of Lords. Do you think this is a serious threat and one that should be addressed by this Committee? We refused to look at the possible Russian interference.



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Chair: We have not actually refused anything of the sort.

Paul Flynn: Yes, we have, in view of the Electoral Commission, which is our primary—

Chair: I think we are misrepresenting the position, but anyway, do you think it is something we should look at?

Professor Johnston: Sorry, Bernard, I did not hear you.

Chair: Do you think that is something we should be looking at as well?

Professor Johnston: Sorry?

Chair: The possibility of cyber-interference with elections.

Professor Green: Most of the claimed interference in the last election is due to online—

Chair: Social media.

Professor Green: Yes, communications-based influence—

Chair: It is not about interference—

Professor Green: —upon what people think and what people do rather than at a local, practical, administrative level.

Chair: The last question, to David Morris.

Q133 **David Morris:** Thanks, Chair. I was very interested before, Professor Green, when you were talking about what would be seen as public perception and public consultation about particular boundaries in constituencies. What would you say would be a fair tipping point for any particular Boundary Commission inquiry into the changes? What would you say would be fair? There are some seats that have had, it was said, about 20 people responding; some, like this, 7,500. What would you actually say, taking out any political interference, would be a fair tipping point to say, "There is something odd about this. We should look at it again"?

Professor Green: It is impossible to answer that. I can talk in ideals, and that is because I have the luxury of not having to implement the Boundary Commission process, but in a sense I am talking about: is this a population estimate, or is this a biased estimate? The biased estimate could be biased if there were 1,000 people, if there were 5,000 people or if there were two people, and so if the Boundary Commission looks at the 5,000 and deems that to be equally unrepresentative for whatever reason, as the representations of a handful of people, then it is the bias and the representativeness that is the actual problem. I do not think I could put a number on a tipping point of the number of people that made representations in a Boundary Commission process.

Q134 **David Morris:** But that could be said of a General Election, how many people turned out for one party over another. When you are talking in the



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thousands and not in the double digits, there is obviously a huge disparity there in comparison in some areas than others. You are talking percentages of electorate, in effect. There must be a point where you say, "Yes, there has been something going on here that is absolutely extraordinary". You cannot just motivate those people to do it. That is something that they have done themselves.

Professor Green: I think about objections to local planning proposals. You might not say just because loads of people have objected to a planning proposal that means that that has now become a representative concern. What the last session was addressing were issues of if those representations are in accordance with the rules of the process, then they obviously take that as their primary consideration.

I think with regards to comparing a small turnout in a Commission process to an election obviously the difference there is in the election everybody has had equal chance to participate, and that is not necessarily true in a Boundary Commission process, given that public information that that is even taking place is just not comparable.

I take the conceptual point, but I think there has to be at the end of the day the broad presumption that people do not like boundary changes because it is going to disadvantage the likelihood of their preferred MP being elected. It would be crazy not to say that that is a major concern. My points are to try to move us away from anecdote towards how we would actually measure what people really care about, how concerned they are and what their views are if they are concerned. Even if you did what Professor Johnston was suggesting and administer a representative survey of people's opinions, it would be very difficult to offset various different considerations that people actually would have into a place of how much they really care about those things.

Q135 **David Morris:** You think the Boundary Commission are right or wrong to hold public consultations because they take that into consideration of what their decision should be?

Chair: Parliament is right or wrong to require the Boundary Commissions to hold those consultations.

Professor Green: Except that as I understood the previous session the evidence that was being acted upon was not evidence that was lending itself to partisan concerns; it was evidence that related to geographic concerns and regional—I still have an issue with that. My personal view is: why should people's biases about where people live actually influence electoral decisions about fairness of process? But that is my view.

Chair: Because they want a representative to represent their community.

Professor Johnston: Yes, but the problem is: do they all agree the community? Let me give you a quick anecdote.

Chair: Well, some places more than others.



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Professor Johnston: I sat for two days through a hearing in Portsmouth where two parties were keen to win Portsmouth South. One realised they could only win Portsmouth South if one of the wards was split in half, and the other realised they could win Portsmouth South if it was not. We had witness after witness saying, "Divide the ward that way", and, "It is two separate communities. They look that way and they look that way", and the other half came along and said, "Oh, no, it is a cohesive community. It all focuses in on the centre of the ward". The Boundary Commission has to make a judgment, and it is doing it all the time. The evidence it gets is invariably conflicting.

Professor Green: We actually asked people in the British Election Study to draw their local communities with Google Maps, and we have written a paper, myself and colleagues, looking at those maps. They do not overlap constituencies, there is enormous variation in the maps that people draw, and if you go and ask people how strongly they identify with that local community only about 10% will say they strongly identify. We also ask people what they were thinking of. The vast majority said they are thinking of their neighbourhood, and only a small fraction said the people and places they think of when they vote. The presumption that you can define what is important to an individual—

Q136 **Chair:** Do those boundaries cross county boundaries or even—

Professor Green: There is huge variation in what people see as their local—

Q137 **Chair:** —the borders between Wales and England and England and Scotland? Do they cross those borders?

Professor Green: I cannot answer that from memory, but there is enormous variation in what people define as their local community.

Chair: Anyway, I think we are going to have to end on that point, of great interest. This panel has certainly engaged the interest of this Committee, and I hope you feel it has been worthwhile; my thanks to the other panel as well. We will have to consider how we respond to all this evidence, and we will be discussing that later this week.