

Written evidence submitted by Craig Aston (RPB 17)

I make this submission as a member of the public, but I have been a councillor in the London Borough of Tower Hamlets since 2010. Also, between June 2011 and December 2012 I worked as the Conservative Party's Boundary Review Assistant reporting directly to Roger Pratt CBE, the Party's Boundary Review Manager. This submission represents my views alone and has not been discussed with the Conservative Party's staff.

Summary

- It is important that constituencies contain an approximately equal number of electors, and that local authority areas are divided between fewer constituencies
- It is desirable, but less important than the above, that constituencies represent 'natural communities'
- The 5% limit could be expanded to 7% to accommodate concern over 'natural communities', but no higher, and there must continue to be such a limit
- Wards should not be split between constituencies in England and Wales; owing to the multi-member wards/electoral areas adopted in Scotland and Northern Ireland for STV elections, there is a case for splitting wards/electoral areas there.
- The basis for redistribution should be registered parliamentary electors, not population (either as per the last census, or estimated).
- No allowance should be made for potential under-registration under IER
- There should be a reduction in the size of the House of Commons to approximately 600, but there is no need for the number to be exactly 600.

1. What are the advantages and disadvantages of setting constituency boundaries within 5% of the "electoral quota"?

The obvious advantage is electoral fairness. I view this as more important than any other advantage or disadvantage of equal-sized constituencies that could be mentioned.

1. a) Should a higher or lower tolerance be considered?

Given the importance given by most of those interested in the redistribution process to collating 'natural communities' - a concern I do not however share - a relaxation of the limit to 7%

The concern over 'natural communities' was at its greatest in the metropolitan boroughs where the constraint of large ward sizes meant some constituencies crossed metropolitan borough boundaries and were deemed not to represent a 'natural community'. This issue, if it is an issue, could either be resolved by splitting wards, which I do not support, or a relaxation of the limit.

At the Sixth Periodic Review the bounds of tolerance were approximately 7,700, whereas the average ward size in Birmingham was approximately 20,000, and in Leeds, Bradford and Sheffield approximately 13-16,000. My work on this review showed that a widening of the tolerance to about 10,000 would have resolved the issues in these places; therefore 7% is sufficient.

A wider tolerance than this, without Parliament instructing the Commissions to allocate a fixed number of constituencies per county or per region, will simply again lead to issues around electoral fairness and the over- and under-representation of various areas which the 2011 Act was designed to address.

2. What are the other considerations the Boundary Commissions should give greatest weight to in drawing constituency boundaries?

The other statutory factors as per Rule 5 of Schedule 2 of the 1986 Act, as amended in 2011, are quite sufficient considerations for this purpose. I would place the most important of these considerations in order of importance:

- a) Taking into account local authority boundaries; so that an MP does not have to represent too large a number of different boroughs/districts/counties
- b) Taking into account existing constituency boundaries; to maintain continuity of representation
- c) Taking into account local ties.

While it is desirable that ‘natural communities’ form constituencies, the concept is nebulous. Evidence given at the public hearings (formerly inquiries) and in writing to the reviews concerning community ties overwhelmingly have a hidden party political pretext, and are often contradictory where the various parties are in favour of differing arrangements.

Furthermore, I do not see it as important if a ‘natural community’ is split between constituencies. So long as an MP does not ‘abandon’ part of his constituency, the fact that two residents at different ends of the constituency might not share the same residents’ groups, shop at different supermarkets, use different leisure facilities, use different buses and trains and all the other arguments that are brought out as evidence of community ties, seems to me to not be pertinent. I am sure there are people in the constituency I live in with whom I have little or nothing in common – in a constituency of 100,000 people it is certain – but this does not stop my MP representing us both nor does it cause other issues.

I’m not however a purist in taking electoral fairness over community ties. As I have stated, I would support a 7% tolerance. The one exception I will make to equal-sized constituencies is where geographical considerations make it indefensible. The only three examples of this are the Isle of Wight, Orkney and Shetland, and the Western Isles which are divided from the mainland of Great Britain by vast bodies of water.

These are however examples of geographical difficulties rather than of community ties. I do not view any contradiction between supporting equal-sized constituencies and allowing for these three exceptions.

3. Should the Boundary Commissions be more open to the possibility of splitting wards when considering boundaries for parliamentary constituencies?

In England or Wales, no. Wards should be the ‘building blocks’ of constituencies and this is the Commission’s long-standing practice. In the 1983 Foot case the ward was described as “the smallest unit of electors for the purposes of the Commission’s deliberations”. There are also difficulties for local political parties inherent where wards are divided between constituencies.

To take the Sixth Periodic Review in England, clearly Assistant Commissioners interpreted what were ‘exceptional and compelling circumstances’ differently. The main point of contention was around constituencies representing ‘natural communities’. The places where this was least adhered to, by necessity, were the metropolitan counties in the North West, West Midlands and Yorkshire/Humber regions. None of the Assistant Commissioners in those regions recommended splitting wards to resolve this issue, although clearly it was considered in at least Yorkshire/Humber.

The one place the Assistant Commissioners did split (two) wards was in the Gloucester area in the South West region. Although the Commission’s initial proposal to move the city centre of Gloucester into the Forest of Dean constituency attracted universal opposition, counter-proposals were made (including by the national Labour Party) to avoid this by transferring the town of Tewkesbury into the

Forest of Dean constituency and retaining Westgate ward in the Gloucester seat. This proposal would have retained 'natural communities' together; indeed, was better than the final recommendations which still transferred the Gloucester suburb of Hempsted into the Forest of Dean. In my view therefore there was absolutely no need for split wards here.

In summary, as I have expressed above, I do not consider the collating of 'natural communities' into constituencies to be a high priority and, as the argument in favour of split wards was exclusively concerned with this issue rather than e.g. it being impossible to create constituencies within the quota without splitting wards, I do not consider splitting wards in England or Wales to be justified.

In Scotland, where multi-member wards have been introduced following the introduction of STV for local elections, it may be impracticable or, in the larger cities, impossible to satisfy the Rules without some ward-splitting. This would constitute the 'exceptional and compelling circumstances' permitting ward-splitting that the Boundary Commission for England insisted upon. Those circumstances plainly do not prevail in England or Wales.

4. Should the recommendations of the Boundary Commission be subject to approval by Parliament, as is the case at present?

On three occasions since the Second World War, the recommendations of the Boundary Commission have not been approved by the House of Commons; following the Initial (1948), Second (1969) and Sixth (2013) Periodic Reviews.

On each occasion the reason has essentially been political, rather than because of, e.g. a failure of the Commissions to follow proper procedure. In 1948 the recommendations were specifically amended to provide additional seats for boroughs where the electorates of the recommended constituencies were large (the Commission having given boroughs with electorates up to 90,000 only one seat) – this amendment was thought to advantage the incumbent Government.

In 1969 because of the rapid population shifts of the 1950s and 1960s, it was thought that any redistribution would disadvantage the incumbent Government. The Commission's recommendations were not amended by Parliament (this no longer being legally possible) but instead not approved. Following a change of government they were approved in 1971.

In both of these cases there was a pretext for amending or failing to approve the recommendations; in 1948 that the boroughs referred to were severely under-represented, and in 1969 that the recommendations of the Redcliffe-Maud Report on local government would soon be approved and would necessitate a further immediate review.

In 2013 there was no such pretext; the rejection stemmed solely from one of the parties in the current Government exacting 'revenge' for the failure to give parliamentary time to reform of the House of Lords.

That this has happened is bound to tell against the proposition that Parliament should have the ability to not approve the recommendations of impartial bodies such as the Commissions, if that power is to be used for party political purposes. The 2013 rejection is the most egregious of these.

Despite this, I still feel the recommendations should be subject to Parliamentary approval in case the Commissions' procedure goes wrong. This is perhaps sentimental of me, as there is little chance of that happening.

However, any future repeated use of Parliamentary veto for essentially party political purposes would in my view change the case, and necessitate change in procedure, e.g. removing the necessity for Parliamentary approval, but instead making the recommendations and the Commission's procedure liable to judicial review.

Although my borough recently had a local boundary review in which I was keenly involved, I'm not sure of the method by which such reviews receive approval; I believe they simply lay on the Table of the House for thirty days. This is an alternative procedure which may be considered for parliamentary distributions.

5. How accurately does using the registered electorate as the basis for redrawing boundaries reflect the actual population of proposed constituencies?

In my view, this question is not pertinent regardless of its answer. I think it is of greater importance that constituencies have approximately equal numbers of electors, rather than of residents, in order that elections can be conducted on a fair playing field. Since the Speaker's Conference of 1944 it has been generally accepted that redistributions should be based on parliamentary electorate not population. The Initial and the six following Periodic Reviews have been carried out on that basis. It is still the only acceptable method for carrying out redistributions.

To answer the question, the accuracy depends on three variables:

- a) the ratio of the under-18 population to the population as a whole
- b) the ratio of non-EU nationals to the population as a whole
- c) the accuracy of the electoral register

(a) and (b) vary across the country. Data I have seen suggests large variances at the extremes but that for the majority (approximately 80%) of English constituencies the ratio of population to electorate falls between 1.25 and 1.5.

However, I do not see this as relevant as I state above. It is certainly the case that, given equal-sized constituencies, for any constituency with a large number of under-18s and/or non-EU nationals, the casework load will be heavier for the MP. This is an excellent argument for giving such MPs greater Parliamentary allowances for staffers and caseworkers, but not for the over-representation of the electors of such constituencies.

(c) will presumably vary according to the efficacy of local electoral registration departments. I do not believe there is any evidence of enormous differences in this between the various local authorities.

The alternative to using registered electorate is, of course, to use population. This has its own drawbacks. It would make for a much greater degree of electoral unfairness. As I have stated, most English constituencies would fall within a similar ratio, but for an unacceptably large number of constituencies the electors would either be under-represented or (far more commonly) massively over-represented. The latter anomalous constituencies that resulted would be publicly repugnant.

Any review starting in the next Parliament would have to use the 2011 Census data; by the time such constituencies were fought in 2020, the data would already be nine years out of date.

Alternatively, estimated census data could be used. This however is subject to inaccuracies as any estimate is. Parliamentary redistributions should not be based on inaccurate estimates.

6. What implications could the implementation of Individual Electoral Registration have for the next—and future—boundary reviews?

For obvious reasons I strongly support the principle of IER. I understand that there are concerns about the potential for under-registration, but I feel the elimination of registration fraud to be paramount. Of course, as no register has yet been compiled under IER its effect on registration levels are not yet clear and are only speculation.

Any review starting in the 2015 Parliament will use data based on either the first IER register, to be published in December 2015, or a later IER register. To the extent that there is a greater degree of under-registration in a particular area under IER than there is currently, that area would receive fewer constituencies in any redistribution. But again this is a matter of speculation.

If, however, there is under-registration in a particular area under IER, it is acceptable for that area to receive fewer constituencies. It would not be acceptable for one constituency to have 60,000 electors and another 80,000, because we estimate (and it could only be an estimate) that fewer people have registered to vote under the new arrangements in the former constituency, just as it would not be acceptable for one constituency to have 40,000 electors and another 80,000 because the census tells us both contain 100,000 people. Both are examples of elections not being conducted on a fair playing field.

Again, areas where there is such under-registration should be compensated by extra staffing allowances for the relevant MPs to cope with the increased caseload, not by over-representation of the electors.

7. What are the consequences, including to electoral fairness, of not implementing changes to parliamentary constituency boundaries ahead of the 2015 general election?

As a result of the rejection of the Commissions' recommendations, the next election shall be fought on the constituencies determined by the Fifth Periodic Review. These constituencies came into force for the 2010 General Election. It is not unusual, and indeed is the norm, for successive General Elections to be fought on a set of boundaries.

However, delay had become in-built into the prior procedure for the Commissions. The process was dragged out more and more at successive reviews (the ever-increasing length of the Commission's reports at each review also points to this) to an unacceptable degree, and was part of the reason for the 1992 Act hastening the Fourth Periodic Review, and the 2011 Act revising and shortening the procedure. A corollary of this dragging out of process was the electorate data became stale even as the review was proceeding.

The following table shows the period between the commencement of the review and the date of the report for England since the Second World War.

	A	B	C	D	E	F	D minus A	F minus A
Review	Enumeration date	Commence-ment of review	Date of report	First election fought on set of boundaries	Last election fought on set of boundaries	Dissolution of last Parliament on boundaries	Age of data when report completed	Age of data when boundaries last in force
Initial	15 October 1946	January 1946	October 1947	February 1950	October 1951	May 1955	1 year	9 years 9 months
First Periodic	15 March 1953	July 1953	November 1954	May 1955	June 1970	February 1974	1 year 8 months	20 years 11 months
Second Periodic	15 February 1965	February 1965	April 1969	February 1974	May 1979	May 1983	4 years 2 months	18 years 3 months
Third Periodic	16 February 1976	February 1976	February 1983	June 1983	April 1992	April 1997	7 years	21 years 2 months
Fourth Periodic	21 February 1991	February 1991	June 1995	May 1997	May 2005	April 2010	4 years 4 months	19 years 2 months
Fifth Periodic	17 February 2000	February 2000	October 2006	May 2010	(May 2015)	(April 2020)	6 years 6 months	(20 years 2 months)

As can be seen, when the first election (2010) was fought on these boundaries the electorate data was already ten years out of date. This is the longest period between the enumeration date and the first election held under the new boundaries since the Second World War.

It follows that the present constituencies are already fourteen years old, and at the time of the dissolution of the next Parliament as per the Fixed-Term Parliaments Act 2011 this will be twenty years.

As a result of natural population movement, many constituencies have got ‘out of kilter’. The following table shows the deviation of constituencies from the electoral quota at the enumeration date in 2000, and in 2013.

Deviation from electoral quota	Number of electors	2000 electorate	Number of electors	2013 electorate
over 30%		1		2
20% to 30%	max. 90,915	-	max. 94,139	5
10% to 20%	max. 83,921	19	max. 86,898	56
5% to 10%	max. 76,928	80	max. 79,656	85
within 5%	max. 73,432	145	max. 76,036	116
Electoral quota	69,935		72,415	
within 5%	min. 66,438	144	min. 68,794	110
5% to 10%	min. 62,942	105	min. 65,173	93
10% to 20%	min. 55,948	39	min. 57,932	61
20% to 30%	min. 48,955	-	min. 50,690	5
over 30%				
		533		533

In 2013, only 226 (42%) of English constituencies were within 5% of the electoral quota. Electors in 58% of English constituencies are either over- or under-represented at Westminster to a degree not acceptable under the 2011 Act.

The effect on electoral fairness of this state of affairs is plain.

8. Is there a case for reconsidering the reduction in the number of MPs from 650 to 600?

No. A moderate reduction in the size of the Commons is desirable, although the figure does not necessarily have to be 600.

The 1944 Act provided that the number of seats for Great Britain should be not substantially greater or less than 591 and that the number for Northern Ireland should be 12. As subsequently amended, for the Third to Fifth Periodic Reviews these figures were (Great Britain) not substantially greater or less than 613 and (Northern Ireland) not greater than 18 or less than 16. This implies an optimum size of 630 for the House of Commons.

This figure has not been held to since 1974 and has at every review increased (with the exception of the 2000 review in Scotland, where the terms of the Scotland Act 1998 necessitated a reduction). This is due to the well-documented ‘ratchet effect’ inherent in the Rules. The following table shows the number of MPs in each Parliament since 1922.

Review	General Elections	Number of seats
1917	1922, 1923, 1924, 1929, 1931, 1935	615
1944 (abnormal constituencies)	1945	640
Initial	1950, 1951	625
First Periodic	1955, 1959, 1964, 1966, 1970	630
Second Periodic	1974 (Feb and Oct), 1979	635
Third Periodic	1983, 1987	650
Interim (Milton Keynes)	1992	651
Fourth Periodic	1997, 2001	659
Fifth Periodic (Scotland only)	2005	646
Fifth Periodic (rest)	2010, (2015)	650

It has been well pointed out that the size of the House of Commons is large by international standards for lower houses. The usual point of reference is the American House of Representatives at 435, but this is misleading because the 50 states have a degree of self-government our counties, regions and even devolved nations do not possess.

A more realistic comparison would be with the lower houses of similar-sized European nations. The German Bundestag has 630 members (for a population of 80 million); the Italian Chamber of Deputies 630; the French National Assembly 577; the Spanish Congress of Deputies 350. Internationally, it would appear the Commons is the largest democratic lower house in the world.

There is therefore a case for reduction, which I support, and the arguments for it are well-worn. A figure of approximately 600 is not a radical reduction and would not make for much disruption in Parliamentary or public life.

There are two ways of achieving such a reduction:

- (a) the method used in the Sixth Periodic Review, i.e. the use of a fixed divisor. This would eliminate the 'ratchet effect'.
- (b) the re-introduction of the Rules used at the Fifth Periodic Review with either a reduction in the various suggested national entitlements contained in Rule 1, or else an additional part to Rule 1 specifying a maximum size for the House of Commons, in order to hold up the 'ratchet effect'.

I do not view the exact figure of 600 MPs as a shibboleth, but an approximate figure that is more desirable than the current figure of 650. Had I viewed the figure 600 as crucial, I could only support (a).

Which of these two methods might be chosen, should the Government of the 2015 Parliament support a reduction in the size of the Commons, depends on whether that Government views constituencies crossing county boundaries, and constituencies not necessarily representing 'natural communities', as an acceptable part of redistribution. If this were not acceptable, the old Rules would have to be brought back, modified as per (b).

8. a) Should the Boundary Commissions be asked to draw up proposals for new boundaries based on the current number of MPs?

This question is not clear. If the Government of the 2015 Parliament does not support reduction in the size of the Commons, the Commissions will have to draw up proposals based on the current number of MPs as legislation will force them to.

As per the above, however, I support a reduction in the size of the House.

October 2014