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GENERAL COMMITTEES

Public Bill Committee

PARLIAMENTARY CONSTITUENCIES BILL

Fourth Sitting

Tuesday 23 June 2020

(Afternoon)

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Examination of witnesses.

Written evidence reported to the House.

Adjourned till Thursday 25 June at half-past Eleven o'clock.

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

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The Committee consisted of the following Members:

Chairs: †SIR DAVID AMESS, IAN PAISLEY

† Afolami, Bim (<i>Hitchin and Harpenden</i>) (Con)	† Miller, Mrs Maria (<i>Basingstoke</i>) (Con)
† Bailey, Shaun (<i>West Bromwich West</i>) (Con)	† Mohindra, Mr Gagan (<i>South West Hertfordshire</i>) (Con)
† Clarkson, Chris (<i>Heywood and Middleton</i>) (Con)	† Shelbrooke, Alec (<i>Elmet and Rothwell</i>) (Con)
† Efford, Clive (<i>Eltham</i>) (Lab)	† Smith, Cat (<i>Lancaster and Fleetwood</i>) (Lab)
† Farris, Laura (<i>Newbury</i>) (Con)	† Smith, Chloe (<i>Minister of State, Cabinet Office</i>)
† Fletcher, Colleen (<i>Coventry North East</i>) (Lab)	Spellar, John (<i>Warley</i>) (Lab)
† Hughes, Eddie (<i>Walsall North</i>) (Con)	
† Hunt, Jane (<i>Loughborough</i>) (Con)	Sarah Thatcher, <i>Committee Clerk</i>
† Lake, Ben (<i>Ceredigion</i>) (PC)	
† Linden, David (<i>Glasgow East</i>) (SNP)	† attended the Committee
† Matheson, Christian (<i>City of Chester</i>) (Lab)	

Witnesses

Peter Stanyon, Chief Executive, Association of Electoral Administrators

Andrew Scallan CBE, Deputy Chair, Local Government Boundary Commission for England

Darren Hughes, Chief Executive, Electoral Reform Society

Gavin Robinson MP, Belfast East Constituency, DUP

Dr Jac Larner, Research Associate, Wales Governance Centre

Dr David Rossiter

Professor Charles Pattie, Professor of Politics, University of Sheffield

Public Bill Committee

Tuesday 23 June 2020

(Afternoon)

[SIR DAVID AMESS *in the Chair*]

Parliamentary Constituencies Bill

Examination of Witness

Peter Stanyon gave evidence.

2 pm

The Chair: We will now hear from Peter Stanyon, chief executive of the Association of Electoral Administrators, and we have until 2.30 pm for this session. Mr Stanyon, would you briefly introduce yourself to the Committee, please?

Peter Stanyon: Certainly. I am chief executive of the Association of Electoral Administrators, or AEA, and we are the professional body that represents those who deliver the electoral process across the United Kingdom. It includes some returning officers and some registration officers, but primarily it includes those who many of you will have come across, who actually deliver the nuts and bolts of the electoral process in the field. We are a body that represents their interests, such as liaison, training and the like, across the board.

Q182 The Minister of State, Cabinet Office (Chloe Smith): Peter, thank you so much for joining us this afternoon. It is excellent for the Committee to have the benefit of your expertise. I wonder if I might start with two questions. The first is very general. Could you talk us through what the work of a boundary review, and after a boundary review, looks like from your perspective? To take an example, the next boundary review will finish by July 2023. Could you talk us through what will then have to happen to implement those boundaries?

Peter Stanyon: Certainly, Minister, and thank you. The key point is that these are the building blocks of the democratic system. The hard work is not necessarily directly to do with the elections process, but is more to do with the production of the electoral register. In terms of how the process works for administrators, the actual involvement in whether the proposals are right, wrong or whatever is not quite at the same level as that for local government boundary reviews. It is more about providing support to elected representatives and others regarding statistics and the like, to make sure that all the relevant needs are met so that the boundary commissions can come forward with their proposals, and councils and the like can make representations through the various processes available to them.

When presented with the final outcomes, the task starts. The key point is to revise the electoral register, so a lot of work goes on to ensure that the building blocks are correct. That does not just mean the parliamentary constituency boundaries—how they interrelate with local government ward boundaries, council divisions, parishes and the like—but, following on immediately from the constituency boundary changes, there is a need to look at all the polling districts, polling places and polling stations for the elections themselves. A lot of technical work goes on behind the scenes to make sure that on

polling day, the elector arrives at their polling station in the correct area, with accessible venues and things like that.

One of the huge challenges—this goes back to the outcome of the previous review, which obviously is being effectively terminated—is the fact that each individual registration officer works in the individual building block of their local authority, but parliamentary constituencies do not follow those boundaries. One of the dangers of the previous review was that an awful lot of cross-boundary work needed to take place, which means liaising with neighbouring local authorities. That sounds reasonably straightforward, and in most instances it is, but it often means that different software systems are used for the electoral register and there are different working practices.

Although we all work according to the same legislative background, there are different ways of interpreting that locally. That means trying to ensure consistency across the piece, with the electors and candidates at elections receiving the right level of service and being able to be involved. Where there is more cross-boundary work, more elements of risk come in. Effectively, when it is under their self-control, it is a lot easier for local authorities to deal with those sorts of things. It is really a communication beast between individual registration and returning officers once the actual boundaries are agreed.

Q183 Chloe Smith: Thank you very much, Peter. To introduce a term that we will come on to in Committee, we often talk about the Gould principle, meaning six months of preparation time for administrators and others at the working level before an election takes place. Will you explain the value of that for administrators, and why six months is a helpful amount of time for you?

Peter Stanyon: Absolutely. That came from Sir Ron Gould, who did an investigation into—I think, from memory—the Scottish independence referendum, where there had been some very late changes to legislation. Anything can be planned for. With elections, as you all know, the period ahead of the polls becomes very pressurised. A longer lead-in to any significant change—a constituency boundary change would be significant—is welcome, and six months is certainly the minimum that an election administrator would want.

In the case of these boundaries, the fundamental point to bear in mind is that the electoral registers will need to be reshaped and put into their new building blocks. Whatever the case, we have 1 December as the date the revised versions of registers are published. That is often the logical date at which we would want parliamentary constituencies to be reflected in the electoral roll, simply because it means a full change in the register, which helps political parties and candidates. It can be changed later on but, again, that makes it more complicated. The sooner it is said—the Gould principle is six months—makes it far easier for that communication and working across boundaries with different administrators. De-risking the process is far easier if we have that lead-in time.

Q184 Cat Smith (Lancaster and Fleetwood) (Lab): If this boundary review were to throw up some significant boundary changes—which would not be unexpected, given that, certainly in England, the data from the last

review was from 2000—and given the principle of a bare minimum of six months between any major change and elections, what period would be the most appropriate or comfortable for electoral administrators to go from completion of a boundary review to an election based on that set of boundaries?

Peter Stanyon: If I were to ask for tomorrow, that would be helpful, but I am not sure that is going to happen. In terms of the lead-in periods, we welcome the proposed spring timescale for boundary commissions to submit their reports to the Speaker. An ideal timescale would be elections taking place in May 2023, with preparations for an electoral registration canvass kicking on immediately after those May elections finish. We would then certainly look to have something by early summer at the very latest, so that, over that autumn period, as the canvass takes place, the amendments can be introduced to registers in the time for the revisions to be published on or by 1 December 2023.

Q185 Cat Smith: On registers and their accuracy and completeness, we know that no electoral register is either 100% accurate or 100% complete. Obviously, there is a discrepancy between the numbers in the December 2019 register and those in the March 2020 register. Can you say something about that? We have heard different figures, but the difference between the number of people on the December 2019 register, at the time of the general election, and the number on the March 2020 register may be in the hundreds of thousands. People will have fallen off the register between December and March, so could you explain why that might be? *[Interruption.]* Did you hear the end of my question, Peter? I was just finishing when the bell started.

Peter Stanyon: Yes, I did. Ironically, the most accurate register of electors is arguably the register that is published with the additions the month after a major poll. In the case of the December 2019 general election, applications were flooding in, but what happens over the elections process is that people are deleted from the register as a result of returned poll cards information coming through to registration officers. Ironically, it is usually the month after an election, when the updates are made, that we have the most accurate version of the register. You may well see drop-offs from the register because your processing-through information has been returned to registration officers as part of poll cards going out, postal votes for deceased electors being returned, and other such issues.

One of the huge things with regards to the 1 December register is that it is not the most accurate and complete register—any registration officer will tell you that. Since the introduction of individual elector registration, the canvass does not register people any longer; it identifies potential applicants. As a result, whereas prior to individual registration everything took place during the canvass period and the register was as complete as it could be on 1 December, now the canvassing process seeps into January, February and March as it runs towards the traditional May dates. You will see fluctuations in registers that mean that the snapshot taken in December is not necessarily the most complete or accurate register; it is more likely to be among the ones that you mentioned.

The register on 2 March, which is being proposed, would provide a more accurate figure than that provided by the register in December, simply because it has taken

account of all the additions that were made through the canvass and that went through as part of rolling registration ahead of the general election, and then cleansed the register as a result of the information gleaned from both the canvass and the fall-out from the general election. I hope that answers your question. I am not sure whether I got everything covered there.

Q186 Alec Shelbrooke (Elmet and Rothwell) (Con): Peter, I wonder whether you can describe polling districts and polling stations in more detail. You took me slightly by surprise. You said that when you have constituency boundary changes, you then have to do a review of polling stations and polling districts. I am slightly unclear about what that means and why that is. Is it because you might have a split polling district, or is it just par for the course? Can you give us more detail on that part of your statement? How does it play into constituency changes?

Peter Stanyon: Yes, certainly. The legislative background is that a local authority must subdivide every constituency in its area into polling districts, and then designate a polling place for polling stations. If there are changes to boundaries within a local authority area, they might not replicate the situation that is currently in place, so there would need to be a review of the provision to ensure that the newly defined constituencies and the building blocks within them are still applicable to the electorate at that stage.

We have just come to the conclusion of the statutory period for polling district review. The next one is due during the period between 1 October 2023 and 31 January 2025, when every single local authority must do this job. If a significant change to constituency boundaries meant that it was sensible to make those changes, there would be an additional layer to be done. Those same polling district boundaries are generally used for local government elections as well. It is about trying to get all the different layers of boundaries together so that the elector is, generally speaking, always going to the same polling station. If there is a combined poll, it is about getting the ballot papers for them in that particular station.

Q187 Alec Shelbrooke: To clarify, are you speaking about the review that takes place if a polling district is split in a constituency? Some polling districts might be dropped out of a constituency—some polling districts are coming in and some are being dropped—so you are splitting wards. Is it about redoing polling districts if a polling district is split? I am slightly unclear about the meaning of the exercise if the polling districts have not changed, even if they may have changed constituencies.

Peter Stanyon: There are instances where a review would be needed—whether that is a full review or a light-touch review—to ensure that the scheme is appropriate for the electorate at that stage. There are examples—this is from my personal experience—of where a boundary change has a polling station in one constituency but it moves to another constituency in a shared district because of the nature of the buildings available. That will add a degree of complexity, with two constituencies going in where previously there had been one, so there would be a need to make sure that each of the layers there still related to the constituency.

Alec Shelbrooke: Thank you, Peter—that makes sense.

Q188 Christian Matheson (City of Chester) (Lab): May I first follow on from the question asked by the right hon. Member for Elmet and Rothwell about polling districts? When a local authority makes polling districts, is it simply an administrative process done on numbers and geography? Is there political or democratic input into that? How does it work?

Peter Stanyon: It is a local authority decision, generally in full council. It depends on how individual local authorities approach this, but there is a need within the statutory process to seek views from those affected in the area and those with special skills with regards to accessibility and disability, for example. Ultimately it is, in effect, a geographical and numbers exercise, but it also takes into account what is best for the needs of the electorate in that area, which is where the political aspect comes in, with the council making that decision for the subdivisions.

Q189 Christian Matheson: My own constituency of City of Chester has split wards, with some shared with Ellesmere Port and Neston and one shared with Eddisbury. What administrative difficulties or issues do you have to deal with in terms of split wards? Let me ask a further question: imagine you are an administrator and the Boundary Commission has given you a couple of constituencies in your area that share wards. Do you roll your eyes and think, “Oh God, that’s a bit more work for us,” or is it quite easy to get on with split wards between different constituencies?

Peter Stanyon: That much depends on the relationship between the local authorities. On the split wards situation, the returning officer responsible for running the parliamentary election in that area must comment on the review potentially undertaken by the other local authority. It very much depends again on what local practices are. The ideal situation for an administrator would be to have full control of all the areas—the subdivisions, polling stations, districts, staffing and so on—as that makes life easier for administrative arrangements. It is not insurmountable; it is purely about the local practice.

It gets slightly more complicated when we talk about combined polls. If you have a local government election and a parliamentary election taking place side by side, that adds to the degree of complexity. If it is a stand-alone parliamentary election, it is not quite as difficult to administer.

Q190 Chris Clarkson (Heywood and Middleton) (Con): Peter, the Bill allows you to consider ward changes that have not necessarily come into effect yet. For example, in Salford, where I used to be a councillor, there has been a boundary review that should have come into force in May, but obviously the election has been delayed. Considering that, is there a preference about which set of boundaries you use? Do you find the newer, updated boundaries more useful for keeping electorates within quota and drawing more coherent seats?

Peter Stanyon: We welcome the fact that the Bill provides for an understanding of the situation closer to when the decisions are recommended by the boundary commissions. One of the big issues is that where ward boundary changes have taken place and the new constituencies follow the old ward boundaries, there is an awful lot of complication in trying to explain that to electors and trying to change systems to reflect a system

no longer in place. When you look at a map and see a boundary going straight through the centre of a ward, you are sometimes puzzled about why that is the case. You go back to how it was, based on the previous situation. It is far preferable for the parliamentary constituency situation to be closer to that of the local authority, purely for the administrative reasons of ensuring that you de-risk the possibility of sending electors, postal votes or ballot papers to the wrong area. We would always welcome the latest situation, which is as close as possible to the review, being the one that is enacted and rolled out in the electoral registers themselves.

Q191 Chris Clarkson: If there were a situation where you could draw more coherency from the old set of boundaries, would you ever use a mix and match approach? Using the example of Salford again, most of the changes are in the east of the city, where the population has gone up quite a bit. The west is relatively unchanged, so you could leave the seat of Worsley and Eccles South pretty much intact, but you would need to heavily redraw Salford and Eccles.

Peter Stanyon: In many respects, it is the certainty of what the boundaries are. One of the difficulties of the 2018 boundary review was that the boundaries had changed so significantly in some areas that it was trying to replicate them back to the areas themselves. Where registration officers are aware that a previous system—for want of a better phrase—will be the preferred system, as long as that is known well in advance, it is easier to administer than if there is a sudden change to something later on.

Q192 Chris Clarkson: Is it fair to say that an element of the disruptive change that will be an inevitable part of this review will be down to the fact that local electoral geography has changed substantially over the last 20 years?

Peter Stanyon: Absolutely. It comes back to the electoral figures that are being dealt with. Certainly, the proposed reduction of seats from 650 to 600 exacerbated it. It is 20 years since the review was undertaken, so there will be significant changes in some areas. Over time, hopefully they will be negated as we go forward, but yes, it is difficult to cope with at the moment because it has been a long time since the last boundary review.

Q193 Clive Efford (Eltham) (Lab): Hi Peter. What are the additional problems that are created for electoral registration officers when a constituency goes into two local authority areas that are under the purview of different local authorities and EROs?

Peter Stanyon: In local authority A, the electoral registration officer will cover the area for that local authority, maybe giving that register away. That is reasonably straightforward in terms of polling stations and the like, but slightly more complicated with absent votes and postal votes. There need to be agreements about who will be leading on each individual process. In some areas, the give-away authority will administer parts of the process for the authority that has taken it in, because of software incompatibility or different approaches being taken.

Most of the challenge is about: how do you mirror local authority A’s working practice on to local authority B? Despite the fact that the law that everybody is working

to is exactly the same, there are local practices that are slightly different. That comes down to the real nitty-gritty of things like how many staff are appointed to polling stations, the processes used for the opening of postal votes and things like that. It is more an administrative approach that is difficult, which means that the respective returning officers need to communicate very closely with each other, to make sure that there is no element of doubt as to the way in which processes are administered.

Q194 Clive Efford: For local administration purposes, would it be better to go to sub-ward level to keep a constituency coterminous within a local authority area than to go across two local authority areas?

Peter Stanyon: It would really depend on the nature of the split in the area, but, generally speaking, it is far easier to manage a constituency within a local authority area in which you are normally running elections. Equally, splitting down to polling districts, and going lower than the ward building block, may be preferable in some areas, but it could add different issues, depending on the nature of those splits. We would probably be able to cope with the odd one here and there, but if it were across the board of a local authority on a consistent basis, I could foresee that being as complicated as it would be across boundaries.

Q195 Clive Efford: Are there any sources of information that electoral registration officers would like to have access to and that they currently cannot access, which would assist them in maintaining an accurate electoral register?

Peter Stanyon: Much of what is going on as we speak in terms of the changes to the canvass process is about data. As you are aware, the new IER process involves inviting people to register. More access to data that allows registration officers to target those who could potentially be on the register would be welcome, be that local, national or regional. It depends on the type of data source; equally, it needs to be the right sort of data so that register updates can be done in an accurate and convenient manner.

Q196 Clive Efford: Has your association identified the sources that you would like to be able to access?

Peter Stanyon: I think the Department for Work and Pensions database is, at the moment, pretty robust in terms of checking. The Electoral Commission has done a lot of work on other sources that we have been a party to, including HM Passport Office and the Driver and Vehicle Licensing Agency. Each comes with its positives and negatives; there are lots of pros and cons. One of the things we want to avoid is the provision of data for the sake of the provision of data, because sometimes the data that we already have is more accurate than the data coming in, throwing EROs off course in terms of registration.

Q197 Clive Efford: Is the simple answer to the question that yes, there are sources that you would like access to?

Peter Stanyon: There are potential sources. We need to see the quality of those data sources before we can jump that way.

Q198 Mrs Maria Miller (Basingstoke) (Con): Thank you for your evidence, Peter. If you mentioned this earlier I did not catch it, but we have been talking a lot

about polling districts. Could you confirm how often, on average, polling districts actually change? I have been an MP for 15 years and I could probably count two or three times we have had changes in polling districts, which should always be as a result of boundary changes for wards. Is that typical, or are they usually more regular than that?

Peter Stanyon: It will vary across the UK. A statutory review must be undertaken every five years. One has just finished, and the next one is due to report between October 2023 and January 2025. In some local authorities, polling district reviews are undertaken after each major poll, just to make sure that the scheme is suitable. It depends on the fluidity of local authority areas.

Q199 Mrs Miller: I raise this because the boundary commission talked about how difficult it would be to look at polling districts as a unit of currency, as it were, because they change so often. How could those changes be better monitored? Iain McLean mentioned the need for more investment in geographic information systems. Is that a problem, or are the two issues separate?

Peter Stanyon: They are separate, as some local authorities will have access to far better mapping tools than others. The simple answer to the question is that basically the polling districts are left to each individual local authority. How they are reported to a national sub-dataset may be inconsistent across the UK, unlike ward boundaries and constituency boundaries, which are on the public record. Because it concerns local authorities, they do report these things but there is no up-to-date central database of every single polling district sub-division, as far as I am aware.

Q200 Mrs Miller: Would more investment in GIS help?

Peter Stanyon: I am not sure that I am qualified to say that GIS would be the answer to that sort of situation. Better and more complete reporting of where changes have occurred would be beneficial to all those involved in the delineation of boundaries, whether that involves GIS or something else.

Q201 Jane Hunt (Loughborough) (Con): Thank you for your contribution so far, Peter. I will also ask you about polling districts, and will declare an interest at this stage: in addition to being a Member of Parliament I am also a borough councillor at Charnwood Borough Council, Quorn and Mountsorrel Castle. I will talk about Quorn. In Quorn, there are two polling districts. The reason there are two—and the reason they are where they are—is that we have a football club at one end of the village and a village hall at the other end, and they are the polling stations. Is that the kind of thing that happens across the country? What is your advice on that? Do the locations of the polling stations denote polling districts as opposed to something else?

Peter Stanyon: That is a fair summation. The legislation is currently worded to say that you start at the top and work down; the reality is that most polling district reviews are based on working upwards, based on the availability of premises. The key point for any review of polling districts is that the locations—the polling places—must be accessible to the majority of electors. In the case you have described, the decision, which was presumably made by the local authority, is that there are two good

venues with good accessibility, so it would make sense to use both venues in that situation. In other cases, there will be a surfeit of venues, making it far more difficult. It really depends in many respects on what premises or locations are available. In some locations you see temporary buildings, such as portakabins and caravans, because there is physically nothing else for returning officers to use.

The Chair: Colleagues, I know there are more questions to ask, but I must end the session now. On behalf of the Committee, Peter, I thank you for your time and the evidence you have provided. We are very grateful.

Examination of Witnesses

Andrew Scallan gave evidence.

3 pm

The Chair: We will now hear from Andrew Scallan, who is the deputy chair of the Local Government Boundary Commission for England. Andrew, please introduce yourself.

Andrew Scallan: Thank you. There is not a lot more to say. I am the deputy and I have been for a couple of years now.

The Chair: I shall stop reading out the script as it appears in front of me.

Q202 Chloe Smith: Andrew, thank you for joining for joining us. One element of the Bill in front of us seeks to help parliamentary constituency boundaries and local government boundaries to come together as best they can. Obviously, that task will never be entirely complete, but we have endeavoured to accommodate the most up-to-date boundaries from the local government side. We have used the word “prospective”. Please talk the Committee through what that means for your side of that work and how you envisage that we can be as well co-ordinated as possible.

Andrew Scallan: We have a rolling programme of reviews. Typically, we start 25 reviews each year. Each review, of whatever type, has a certain process resulting in a set of final recommendations. Those recommendations are turned into an order, which is signed by our chief executive after they have sat in Parliament for 40 days under the negative procedure.

Our programme has been worked out. Our reviews take about 15 months. We have a very good idea of where we will be by the beginning of December., and we know where our timetables will take us with our further reviews. The reviews take a long time. We have some contingency because some of our reviews do not finish when we expected them to, because we put in a further set of consultations where there has been something particularly contentious.

Q203 Chloe Smith: Thank you. It is very helpful to have the breadth of that on record. Drilling down into what it means to talk about prospective boundaries from the local government side, please talk through that definition for the Committee and what that might look like this year, for example.

Andrew Scallan: It depends on how you define prospective, because for us it is our work in hand. We anticipate that 19 reviews covering 3.3 million people will be made before 1 December. Our work programme, at the moment, includes a range of reviews that will not

be completed by 1 December. There are around 13 reviews covering 2.1 million people that will be close to completion but will not be ready by 1 December.

Q204 Cat Smith: Andrew, the Local Government Boundary Commission for England presents its report to Parliament under the negative procedure. That strikes a balance between the independence of your work and the scrutiny we conduct as MPs. For local government boundaries, do you feel there is a good balance between that independence and parliamentary scrutiny?

Andrew Scallan: Yes, we think that is exactly the case. It presents the opportunity to challenge; since 2010, there have been three discussions about our orders, but none has been overturned. They are either accepted or overturned, and the 214 that we have done since 2010 have all been approved.

Q205 Cat Smith: I think you would argue that the local government boundary reviews are done in a robust and fair way. That obviously decides the electoral wards for local government, but it is not the same process for polling districts. Do you have any concerns about the idea of using polling districts as a potential building block for parliamentary constituencies?

Andrew Scallan: No. The polling districts are a very useful tool. Our relationship is very different from the parliamentary process. We engage with the local authority, and, as you will know, a feature of our work is forecasting five years from the date of our final recommendations, which is not a feature of the parliamentary boundary commissions’ work. We engage very closely with local authorities and talk through the methodology for doing that forecasting, and the polling districts are a useful building block. When people come to us with proposals, they will often use the existing polling districts to shuffle around, either to create new wards or consolidate thoughts on what ward proposals should be.

Polling districts can change—I know Peter Stanyon was explaining to you the process—but for us it is very rare that we have a change of polling district during our review process. Once we have come up with our new wards, there is the need for new polling districts to be created.

Q206 Alec Shelbrooke: Before I move on to other things, what causes a polling district change? I think you have touched on some areas. What governs your construction of a ward? Why do you do your ward reviews, and what are you looking at when you construct new ward boundaries?

Andrew Scallan: From my previous life, the reasons for changing polling districts vary a lot. Sometimes councils take a policy that they do not want schools to be used for polling districts, which then requires other public buildings or even locations for temporary buildings to be thought through.

In terms of what goes through our mind, the legislation is clear that we can carry out a range of reviews. Some are periodic, and those are the ones where we try to go around the country, bearing in mind the number of authorities that we deal with. We also include two-tier county councils, which do not feature in the stats that the parliamentary boundary commission will use, but they are nevertheless a feature of our workload. We have

periodic reviews, we have those that can be asked for by Ministers, and local authorities can sometimes request a review because they have chosen, for example—perhaps as part of an election manifesto—to reduce the size of the council. We will go in and start the review process, which for us has a series of starting points.

First, what will the council size be? Unlike with the parliamentary boundary commissions, that is a local discussion that takes place, during which we invite local authorities to think about what their governance arrangements should be. A figure is then arrived at, and we use that to divide the forecast electorate to work out what the average number of electors per councillor should be. That sets the ball rolling.

The other features involved will be whether a local authority has one, two or three-member wards, or a mixture of those. In the starting of our process, we invite local authorities and others to put in their suggestions about what the warding arrangements might be using those divisors, because we cannot claim to know every local authority in detail. We invite wide representation for local authority-wide schemes, but also from residents' groups and community groups, who are only concerned about their own particular patch within their local authority.

Q207 Alec Shelbrooke: My experience in the city of Leeds, which I represent, is that polling district changes have been splitting polling districts when they have become too big, rather than creating new boundaries. Is that your overall experience? What I am really driving at is that there is a lot of discussion in this Committee about the construction of constituencies and using wards, and obviously the Bill allows for the future shape of wards to be taken into account when being built. As you say in paragraph 27 of your written evidence, you are concerned about your timetables not being rushed. You say:

“Whilst we support the concept of using the most up-to-date local government boundaries, the Committee will appreciate our concern that doing so should not, unintentionally, compromise the independence and integrity”

of our review programme, which I entirely agree with. Is it your opinion that it is vital for the boundary commission to try to stick to wards, or do you think that is irrelevant? It is useful, but with your five-year timetable and their eight-year timetable and things moving apart, do you think it really matters to constituents if the ward boundaries change and do not quite match constituency boundaries? Do you think that we are trying to blend a round hole and a square hole together?

Andrew Scallan: I am trying to work out what a round hole and a square hole together might look like. There is a real challenge. I do not wish to complicate matters, but in the work that we do, we also take a strong view about the arrangements that exist for parish councils, which vary enormously in size and scope. As well as polling districts, as part of our test around effective and convenient local government, we try not to cause too much disruption to parish councils.

People's strength of feeling varies enormously and I would not like to generalise. We know that people are concerned about the names of wards. We often get people very agitated about that, which you would not necessarily expect, given that they are overlaid on the real map of any local authority area.

The important point for any organisation dealing with boundaries is to try to explain why they have arrived at the decisions that they have arrived at. For a ward, it might be entirely appropriate to include a ward that has, for example, a major road down the middle of it. If that ward is split by that major road for parliamentary purposes, that needs to be properly explained in the formulation of it. It may well be that that will cut a community in two, but it may also be the only way to balance the criteria that we always juggle with, which is trying to get the electorate as close as possible to whatever quota we work to.

Q208 Ben Lake (Ceredigion) (PC): Mr Scallan, thank you for giving us your time this afternoon. As you will detect from the accent, I might be about to tread on some unfamiliar territory. I was wondering whether you might be able to comment on something about Cornwall. I appreciate that the work of the Local Government Boundary Commission is unlikely to have to address any cross-Tamar local government wards, but you mentioned that you have inevitably undertaken quite a lot of discussion and consultation with local communities across England as part of your main work. I was wondering whether a strong sentiment, or any sentiment for that matter, to maintain the territorial integrity of Cornwall is something that you have picked up in your work.

Andrew Scallan: The strength of views in Cornwall is well known. In terms of our work, it was all self-contained in Cornwall. We try not to get involved in discussions about parliamentary boundaries when we are doing our reviews, not least because we do not want to confuse anyone, especially the community groups that we are dealing with. We have no view about crossed boundaries. We work to our legislation, which basically tells us to stay within local authority boundaries.

The Chair: If there are no other questions from Committee members, I thank you, Mr Scallan, for the time you have spent with us. We are most appreciative of the evidence you have given us.

Examination of Witness

Darren Hughes gave evidence.

2.43 pm

Q209 The Chair: We now move on to Mr Hughes. I have learned my lesson; please introduce yourself.

Darren Hughes: Good afternoon, Chair. My name is Darren Hughes. I am the chief executive of the Electoral Reform Society. We are an independent, non-partisan research and campaigns organisation founded in 1884. Basically, we work towards fair voting rules, principally through proportional representation in the House of Commons, but also on other democratic issues where we can encourage participation. We have quite a strong belief that we should write rules that are technical and fair and that will suit political actors and players when times are good and bad, so that there is never any question about their being written in a way that favours one particular side.

We referred to accents. My accent is a New Zealand one. I served three terms in the New Zealand Parliament, so I am happy to answer any questions that Members might have about New Zealand's experience with boundaries as well.

Q210 Chloe Smith: Welcome, Mr Hughes. It is great to have you here this afternoon. I am indeed going to take you up on the opportunity of talking a little bit about New Zealand with you. Would you start by giving us some general reflections on how the system currently in operation in the UK, and that which is envisaged to come into operation through the Bill, compare to that of New Zealand?

Darren Hughes: Sure thing. We welcome the change to go back to the future, as it were, with the 650 number. We were quite concerned, at the time that was being looked at, that it would have resulted in quite a high proportion of the Commons being MPs who were also on the Government payroll, which would lower the scrutiny aspect of the legislative side of the role of Members of Parliament. It would also have made the Commons even more out of proportion with the second Chamber, the membership of which gallops along at an alarming pace. I think it is better to have gone for 650.

On some of the differences, in New Zealand there has been more of a philosophical decision that a Member of Parliament's local duty is to every citizen resident in their constituency, regardless of their age and so on, so constituency size is entirely based on the census figures, rather than on the number of people on the electoral register. We have a long-held view that a lot of constituency casework is irrelevant to the age or electoral status of the citizen in front of the MP. That is a difference.

Another difference that may be of interest is that it is so important that these things are done in a clear, straight, technically correct, robust and honest way. If you lose control of these sort of things, you will live to regret it for a very long time indeed, so it is so important to get it right. However, we also cannot deny that there is a political dynamic to the entire process. Very few industry players get the opportunity to sit around and come up with the rules for their own industry in quite the way that parliamentarians do. You are the guardians of the whole society, so recognising some of the realities there can sometimes take some of the tension out.

In New Zealand, on the Representation Commission, which is a boundary commission equivalent, in addition to those members chosen based on the positions that they hold, such as the surveyor general for mapping, the Government Statistician from our Office for National Statistics equivalent and so on, the Prime Minister is asked to nominate a representative on behalf of governing parties—I say that plural, because in New Zealand a collection of parties run the Government—and the Leader of the Opposition is invited to appoint somebody to represent Opposition parties, or to at least bring their perspectives to bear. They are obviously rightly in a numerical minority, but that blends some of those technical aspects with the political reality.

I should also say that there are reserved constituencies like those discussed this morning, in that seven constituencies are reserved for Maori indigenous voters who register on that roll. Again, taking into account some of the unique identifying features of our polity is quite an important point.

Q211 Chloe Smith: Thank you very much indeed, Mr Hughes. That is a very helpful depth of detail that we had not managed to get from any other witness in their international comparisons. Could I add one more comparison to that list? I understand that New Zealand

does what we refer to here as automaticity. To use your own words, given that there is a political dimension to the process, and given, as you say, that no industry really gets the luxury of being able to set its own rules, is that not a good thing?

Darren Hughes: Yes. Forgive me; I should have touched on that. That is very important. That takes it out the perception or, in some examples, as Professor Curtice pointed to, the reality of political interference, based on what was happening at that particular time in politics.

As I said earlier, there are a handful of laws and rules and conventions that really need to be able to stand the test of time, regardless of any particular party's fortunes—whenever you start to decide based on that, it is not long before it blows up in the face of those who have done it; they certainly regret it down the line. Putting that in place is important.

That is at the end of the process, and I think it creates a huge responsibility at the beginning of the process to get the scope right and the membership of the commission right, because it is handing a lot of power and say, in a democratic sense, to that institution. That is why you need to spend some time thinking about who should go on it, how long they should be there for and how you balance the need for straight demographic information versus community interests versus the political dimension that exists.

One thought I had on that was that we have consultation periods, but as we all know, consultation can be a small number of very squeaky wheels that take up the opportunity, and are then painted as being “the community”. Given the recent narrow interest in parliamentary boundaries, this might be an area for some of the more innovative techniques for consulting publics, such as citizens' juries and deliberative democracy mechanisms, where you could take randomly selected citizens for a particular region and use them as a way of consulting. Then actual people could tell you whether they thought a bridge being in one constituency or another really mattered, as opposed to those who take the initiative to write the letter and subsequently take on a cloak of authority when they may represent a tiny fraction of the real population.

Q212 Chloe Smith: Thank you; that is a helpful suggestion. I know that the four Boundary Commissions are listening very carefully to these witness sessions and so may well have a moment to give some thought to that as a method.

Can I round off my international comparison questions by checking whether New Zealand or any other countries that you are aware of also run with a judge-led process, securing a high level of independence, as we do in this country?

Darren Hughes: That has been a feature in New Zealand, and I know it is in other jurisdictions as well. One of the dilemmas to resolve is whether you draw up a list of positions you want to serve on the commission and to make the decisions—and in that sense you are blind to whoever the postholder happens to be when the review is done—or whether there are particular people who you think have the skills and strength and integrity to run the decision process for that particular round. That is something for the Committee to think about, because if you nominate particular positions, you always know who will be responsible for the decision, seeing as

there will not be that final parliamentary vote, and that may have an impact on recruitment decisions, because those extra responsibilities are thought about. Alternatively, if there are particular people deemed appropriate for that time, that might reflect on whether or not it is judge-led, or whether there is some other structure that might be important.

Rounding off on that point, what you have to have at the back of your mind when coming up with these systems is what happens if they fall into the hands of a bad actor or a disruptive actor, or somebody who says, “This is just a bunch of conventions. It’s not really written down anywhere. We can drive a lorry through this.” The UK system is so trusted and has not gone down the Americanised gerrymander system, so that has got to be protected at all costs. That might lead you to want to be a little bit more prescriptive at the beginning, seeing that you are conceding that final vote at the end.

Q213 Cat Smith: Mr Hughes, thank you for giving evidence to the Committee this afternoon. Do you feel that the balance is right between community ties and the 5% tolerance in the Bill?

Darren Hughes: There are so many strong arguments on the threshold question. We would come down in favour of a higher threshold than the plus or minus 5%, to be able to offer some flexibility in that sense. There are two competing ways of looking at this. On the one hand, who are the people for whom communities of interest are important with respect to parliamentary boundaries? The answer is: every single Member of Parliament and all the people who are in that orbit of representation, democratic work and politics. Outside of the campaign periods, the boundaries themselves, for the most part, do not have enduring appeal or identity. It has always struck me that, on a basic thing that people need to do all the time—think about where they are going to rent or buy a property—Zoopla does not make a big thing of telling you what parliamentary constituency you will be in if you move to this particular accommodation, whereas it will talk about the borough, the schools and the other services that are available. It makes sense to, as best as possible, come up with sensible communities for a constituency because the Member of Parliament will need to be doing a lot of important work there. However, I do not think you want to stretch it too far to pretend that people’s connection to a particular constituency is the most important thing. One way of dealing with that might be to look at the threshold question.

Q214 Chris Clarkson: I should put it on the record that I am a member of the Electoral Reform Society. I wanted that to be out there.

I want to pick up on a couple of points that have been raised. In terms of the 5% electoral quota and splitting communities, going back to the Maori electorates—which I think are arrived at by dividing the South Island’s population by 16 and then applying to the Maori electoral register—they do lead to some splitting of communities and they still stay within the 5% boundary. Is that correct? I am thinking, for example, of Te Tai Tonga, which covers the entire South Island and only part of Wellington.

Darren Hughes: That is mostly right. The number of constituencies for the South Island is set: the population on the census is taken, divided by 16, and that gives you

your quota for North Island seats, plus or minus. That number is demand driven by the number of Maori New Zealanders who decide to register on the Maori electorate. For a long time, only about 50% of people did that. It has gone up a lot more in recent times and that is why it has gone from only four seats up to seven, because it is demand driven. It comes off the back of that quota formula that you quote. Therefore—remembering that New Zealand is the same geographic size as the UK—one constituency is the entire South Island plus Wellington in the North Island.

Q215 Chris Clarkson: In your experience, do you think that has compromised the quality of the representation those Members of Parliament give?

Darren Hughes: Well, they have to work incredibly hard, not just because of the geographic size, but because those constituencies will cover more than one iwi—one tribe. Finding a single Member of Parliament to represent such a broad number of Maori interests, views and citizens is a tough challenge. However, Maori electors are also on the general roll and so will have access to a general electorate Member of Parliament. Also, because New Zealand has used proportional representation for the last quarter of a century, all the political parties of size will have a significant number of Maori Members of Parliament on the list as well. I think that mixed model has certainly led to more Maori Members of Parliament being elected than there were under the previous system. For the actual geographic seats, the burden of size is absolutely something they would all willingly concede.

Q216 Chris Clarkson: I know the ERS’s preferred system would be the single transferable vote. Were such a system to be adopted—for example, the hon. Member for Glasgow East mentioned the slightly bizarre size of the Highland North seat, which was based on the 600 review—theoretically, there could be an entire seat covering the entire Highlands. We are just electing three Members. Would that be an appropriate system for Britain?

Darren Hughes: With the boundaries here we have to talk about the single-member “winner takes all” voting system. That means that many millions of people either vote for a candidate who does not win or a winner who did not need their votes. Those votes are not translated into representation. If we had the single transferable vote, you would draw the boundaries differently. Of course, they would be geographically bigger, but you would be electing a team of Members of Parliament to cover that geographic area.

That could also be of assistance for local government. As you are aware, Scotland has had the single transferable vote system of proportional representation for local government for quite some time, and that has better reflected the political views of Scotland, in terms both of parties and of communities of interest. I think it would be great to have parliamentary constituencies for which we did not expect just one person, on a plurality of the vote, to represent absolutely everybody in the area. That is too big a challenge for just one person when such quality alternative arrangements exist.

Q217 Chris Clarkson: I have one quick follow-up. Assuming that we stay with the current system, which will be the case, would you not accept that having more

[Chris Clarkson]

equalised electorates is fairer to the electorate than having wildly disparate ones? I am thinking of Greater Manchester, for which I am an MP, where you have electorates ranging from 63,000 to 95,000.

Darren Hughes: I think that ties into the way in which the boundaries are drawn up. Using the electoral register imposes a responsibility to make sure that it is as accurate and complete as possible, so that those decisions about fairness can be looked at. In that respect, we know that, no matter how you slice it, millions of people are not on the register. Some of the work that has been done on promoting automatic voter registration—the Joseph Rowntree Reform Trust published a paper in April looking at how we can make sure that we find as many citizens as possible and get them on the electoral register—would achieve a lot for a fairer electoral administration, which would then leak through into the kind of decisions that would need to be taken by the boundary commissioners.

Q218 Chris Clarkson: Setting aside what we would prefer the system to be, do you agree that, for the current system, more equalised electorates would be fairer?

Darren Hughes: Yes, provided that we are talking about things such as the electoral register being more accurate and complete by taking proactive measures, for example automatic voter registration. Keeping the number of seats at 650 adds to that argument. So yes, but with the important caveat that you mentioned: this is not a system that we would choose if it were over the last—[Inaudible.]

Q219 David Linden (Glasgow East) (SNP): I am very grateful to you, Mr Hughes, for your appearance before the Committee today. One of the things in which the Electoral Reform Society is interested is, essentially, the health of British democracy. Can you expand a little on your thoughts about the distribution of seats between the four nations of the UK, commenting specifically on the fact that under these proposals both Scotland and Wales would have less representation in the House of Commons?

Darren Hughes: These questions on the Union are very interesting. In our three most recent general election reports, we have been tracking the movement between the nations at elections. In addition to some of the class voting changes that Professor Curtice talked about this morning, we think that those issues of the politics and the psephology of the nations of the UK are certainly worth more attention than they probably get.

The most obvious point with respect to the Bill is that it makes a bad situation slightly better, in the sense that at once stage Wales would have fallen to 28 seats from its current 40 under the cut to 600 seats. I guess that it is important to recognise the effects of the Bill in that regard. Even so, the impact on Scotland is not exactly clear, but it would certainly be a reduction, maybe in the order of two or three seats, while in Wales, it would be more like eight. That becomes quite a significant proportion of the representation.

One thought that we have had about that, though, comes back to the previous answer that I gave to Chris Clarkson about the electoral register and making sure that more people are on it in areas where there might be under-registration or non-registration, in order to boost the entitlement to more constituencies.

Q220 David Linden: My final question follows on from what the hon. Member for Heywood and Middleton said about the size of constituencies. You may have seen from some of the questions that I have asked in previous sittings of this Committee that a lot of people in Scotland were frankly outraged at the proposal for a Highland North constituency, which would have been utterly unmanageable for any MP; I mean, the current Ross, Skye and Lochaber constituency is already far, far too big. Does the ERS have any views about reducing the current 12,000 sq km guideline to try to ensure slightly more manageable constituencies and a slightly closer relationship between the electors and their MP?

Darren Hughes: I think that is exactly right. These processes give us the opportunity to say, “What would the rules be and how would they apply in the majority of cases?”, and then, “Where are the outliers, whereby if we did apply the rules we could congratulate ourselves on the consistency?”, but actually we are creating a brand new representation injury, by making politics and representation so distant from people.

As we were discussing with the last set of questions, if we had multi-Member wards, these things could be addressed. Obviously, you cannot change the geographic challenges of some areas—they simply cannot be addressed by any system—but you can make decisions to make the situation worse, and sometimes that is what tends to happen.

If there was a multi-Member system, that would be of assistance, but it is also important to carve out the ability for the commissioners to look at a particular constituency and say, “This just doesn’t make sense.” Equally, you could not make a decision based on those examples and then necessarily apply it to the rest of the UK, because that would create further injustices as well. Until we know more about the effect of the new regime, given that by the time we get to the next election it will be nearly a quarter of a century since the 2000 dataset that is being used, that needs to be part of the consideration. But you point to examples or rules that you could use that would minimise that.

Q221 Laura Farris (Newbury) (Con): Thank you, Darren, for giving evidence to us.

One of the things we heard this morning was that US congressional districts had close to zero margin of deviation around population size, and one of the points that you made was that when people buy a house, or look on Zoopla, they are not given information about their political constituency, but they are given other very local information, for example school proximity. I just wondered whether there was any sort of empirical basis that you had in mind when you said that you thought that the 5% range, if I can call it that, was not sufficient.

Darren Hughes: Sure. The American examples are obviously the extreme ones, but they are ones to bear in mind, because they are examples of what can happen if you set hard and fast rules, so they apply everywhere no matter what, and then you also allow for a rampant politicisation of the process.

There is an author called David Daley who has written a couple of books, which are incredibly readable and accessible, about how the boundary system in American

got to the state it is in. Unfortunately, one of them has such a colourful title that you will need to google it; I could not possibly say it in this forum.

However, regarding your point about the 5% versus the 10% range, these are the areas where you can go round in a lot of circles, because there are arguments in favour of each range. I just feel that if you could offer reasonable flexibility to the commission, what you would hope is that the practice would develop and that it gives them an extra tool when a particular geographic situation confronts them, as opposed to just starting out by saying, “We’ll flex our muscles wherever we can.” The thinking on that was that they are the final line in the arguments, but because you are not having that final parliamentary vote and you are not getting the commissions to do the work, it might make sense to offer them those tools.

Q222 Laura Farris: We heard evidence from Professor Iain McLean this morning, who said that one of the risks of the local ties argument is that, depending on whose hands that argument is in, it can be politicised in a different way, and what the Conservatives, Labour party or Liberal Democrats might determine to be local ties would vary according to which of them you ask. Do you agree with that analysis? If you do, do you think it supports the idea of a threshold being set somewhere?

Darren Hughes: I do agree with that analysis. Sometimes things are important but not very popular, or not very—[*Inaudible*]—or not very engaging. When we conduct elections, they are very important to millions of people, which is why around two thirds of people on the register turn out. We all wish that that was higher, but there is still a lot of interest in elections. Some of the mechanics of how we build the demographic architecture does not result in a huge amount of engagement. I think that on parliamentary boundaries, if you were wanting to involve them in a submission process, you either hire somebody to run that for you or you ensure that tweets and letters go out and so on. As I said before, it takes on an incredible cloak of authority for that community, even though it might not be entitled to the status that it receives. I agree that it is possible to happen, and I think in some cases the community argument is very strong, but in a lot of cases it is a shield for more of a partisan argument for that particular electoral cycle, which, as I say, is the sort of thing we should avoid.

Being able to have things like citizens’ juries or—[*Inaudible*]—citizens who are asked to come together to assist the commissions with information, with their feelings and the values of that area, and with people saying what they think the community interests really are, might be a more real way of being able to include the community, getting better quality information and ensuring that the final decisions reflect the reasonable view of the public, as opposed to those who knew that the consultation was on.

Q223 Clive Efford: Thanks, Darren, for giving evidence this afternoon. Following on from that, do you think that the Boundary Commission is incapable of telling the difference between political opportunism and genuine community concern about parliamentary boundaries and local representation?

Darren Hughes: I do not know, is the answer to that. I assume not, but sometimes when these processes are going on for a long period of time, and if people are

appointed who might not have a lot of experience in dealing with active organised citizens pushing a particular view, these are the risks you run. It might not be the case in every cycle, but you would want to make sure that organised political activity dressed up as the concerned citizen was not able to take hold. That is an important thing. Secondly, if there are mechanisms to get very good quality information about what the general public think, like deliberative consultation processes enable you to do, that is pretty rich information for the commissioners to receive in addition to the demography data that they would be using as well.

Q224 Clive Efford: Do you have examples of where things went wrong, where local representations were dressed up in such a way as to influence the outcome, which brought about something that was regretted later? You do not have any examples of where local representation has forced errors in boundaries.

Darren Hughes: Not that I can provide you with right now, no. I have never sat on one of those commissions, so I do not have personal experience there. There is plenty of both academic and more political-style literature that is available to describe some of the tactics that can go on. All I am saying is that those things are really easy to avoid, and we should build it into the process.

Q225 Clive Efford: Can I ask about how we devise the electoral register? Do you think there should be any changes to the way we do that, and any sources of information that are currently denied EROs, that they should be able to access to help them create an accurate list?

Darren Hughes: The main suggestion I have on that would be to move proactively to an overt position of automatic voter registration where we basically said that every time a citizen makes contact, or touches base in any way, with the Government or Government agencies, there is an ability to register—and that that is proactively put to people: we do work with people before they attain registration age to explain what democracy is, why participation is important and how you can have your say, and we really try to increase the amount of information that our younger citizens have. Then, with an automatic voter registration model where they would go on the register, you would hope that that would lead to participation in elections. Even if it did not, it would then get more accurate and complete data for the drawing up of boundaries.

I think some improvements were made by using other sources of Government data and requiring DWP involvement when the IER changes were made. That is coming up to 10 years ago, so now the next step is to say, “What could we do to be more proactive?” I think this paper that the Joseph Rowntree Reform Trust has produced on automatic voter registration would be a good place to start.

Q226 Clive Efford: Earlier you mentioned that you favoured 650 MPs. You were concerned about going down to 600 and giving the payroll a greater proportional say. You also in answer to the Minister made a reference to political interference. Was Parliament right to stop the number being cut down to 600, or was that political interference—or was trying to go down to 600 actually the political interference? I am not sure what point you were making.

Darren Hughes: I suppose it would be political involvement at both levels, would not it? It was the decision to propose going from 650 to 600, and then another decision to reverse that and go back. I think that there was a political element to that. I guess the other thing is, right at the very beginning, making sure that these things are written for all time, not just one time, one particular cycle or one particular Government or Opposition—just doing these things in a very straight way so that if you are up it works for you and if you are down it works for you as well.

I do not think the decision to go from 650 to 600 was driven by any particular democratic principle. It was part of a response to a crisis at the time, and that has not stood the test of time because it was not grounded in much more than that. Also, probably it is easy to agree to a cut in the number of MPs until you realise that it also involves the boundaries of the remaining 600. That might have focused minds a wee bit.

Q227 Alec Shelbrooke: Why is there an assumption that all adults want to be on the electoral register?

Darren Hughes: That is a good question, because I guess it is philosophical. The duties and responsibilities of being a citizen do not actually require much, but being on the electoral register means that you can, right at the last minute, decide whether you will vote. It also helps us with the way we structure democracy and ensures that the way the boundaries are done is open and transparent. For people who want to be involved in elected politics, it is important to know the number of people in the country for whom they can campaign with their ideas and policies. Those are all some basic responsibilities that just come with the duty of being a citizen.

Q228 Alec Shelbrooke: Have you asked the people who do not want to be registered why they do not want to be registered?

Darren Hughes: Yes, we have. We have done work on that in the past with organisations that try to reach people who are not on the register. Often there is a mixture of reasons. Some people do not know about it and are just oblivious to the fact that it exists or that it is a legal requirement at the present time. Other people have not engaged with the question of why politics matters, which is why we think citizenship education is so important. Once you get people into a discussion on that, it can change things. In a large, dynamic society like this, there are always a lot of people who are in the middle of things. Their hectic lives and situations sometimes mean that registration falls off the bottom of the to-do list. We should be doing positive things, such as showing people that registration is simple and free, to promote politics as being a good thing for the country and a good thing for society.

Q229 Ben Lake: Thank you, Mr Hughes, for your evidence this afternoon. It has been interesting to learn a bit more about the system in New Zealand. On that point, can I briefly clarify one thing? Am I right to understand that when the equivalent of the Boundary Commission in New Zealand approaches establishing boundaries for constituencies, it takes into account the actual population, as opposed to the number of registered electors?

Darren Hughes: Yes, that is correct. It uses the census, so everybody is taken into account for the drawing of the boundaries. There are different qualification rules to being an elector, but the way that the constituencies are put together is based on the number of people who were living in an area when the census was done.

Q230 Ben Lake: In that sense, would I be right to infer that student populations would be assigned, as it were, for the purpose of drawing the boundaries, to where they are at the university?

Darren Hughes: If that is where they are on census evening, that is correct, although students are able to register at their family address, depending on when they started their study. I hesitate on that, because there was a court case about it once and I would not want to give you the wrong information. I will come back to you on that. It does take into account the place people were when the census was held.

Q231 Ben Lake: My final question is on something that has already been touched on by some of my colleagues, in terms of representing rural areas. Beyond the Maori electorate and constituencies, does the boundary commission in New Zealand take into account any other factors, such as rurality? How does it cope with what I imagine are quite large constituencies, particularly in the South Island? Is that catered for by the list system, or is it something that is considered when drawing up the boundaries?

Darren Hughes: The list system helps in a peripheral sense, in that it is a way to ensure different styles of representation beyond just geography, but the commission itself has to deal with the majority of the Parliament, which consists of geographic constituencies, and it can take into account factors such as rurality. There is a threshold that enables it to do that, which is the same as in the legislation before you: plus or minus 5%. But there is always a very alive debate about whether that figure is high enough for parts of the country that are outside main population centres. As I mentioned before, New Zealand is geographically the same size as the whole UK, but it has a similar population to that of Scotland. There are far-flung places where, to be an effective Member of Parliament, a lot of travel is required.

The Chair: If there are no other questions from Committee members, I thank Mr Hughes very much indeed for his evidence. We are very grateful.

Examination of Witness

Gavin Robinson MP gave evidence.

3.25 pm

The Chair: We now move on to one of our colleagues, Gavin Robinson. Gavin, we know what you look like, but we cannot see you. Will you please introduce yourself and tell us why you are giving us evidence?

Gavin Robinson: Certainly, Sir David. I thank you and all our colleagues for hosting this session. I am a Member of Parliament and my party's director of elections. Therefore, I was tapped on the shoulder and asked if I would participate as part of your proceedings, so I happily give evidence on that basis, as director of elections for the Democratic Unionist party.

Q232 Chloe Smith: Welcome to our Committee, Gavin. I am not sure that I could reach your shoulder to tap you on it, so it is great to have you with us virtually, at least to get me out of that. May I invite you to give the perspective of the parties in Northern Ireland? I make that plural, if you do not mind, because in preparation for the Bill I have reached out to all the Northern Ireland parties to be even-handed, and I am sure that you can give us some broad insights that go across the piece of what this looks like from the parties' perspective in Northern Ireland.

Gavin Robinson: Thank you for that curveball. I am very happy to speak on behalf of the Democratic Unionist party. I am a little more curtailed in hoping to assist the Bill Committee as to the position of other parties. We had engagement at party level with you, Minister, and we are grateful for that. Some of the other parties participated in that engagement. We had separate engagement with the Northern Ireland Office as well, as part of the overall consideration.

One of the perennial issues with and concerns about the previous proposals before Parliament was the reduction from 650 to 600, with the impact that it had on the parliamentary constituencies in Northern Ireland. We have 18; we were proposed to be reduced to 17 and—
[*Interruption.*]

The Chair: Gavin, may I interrupt you for a minute? There is a three-minute suspension. We cannot hear what you are saying clearly, so please hang on until the bell has stopped ringing.

Gavin Robinson: There was concern about the reduction from 18 seats to 17, which was consequential on the decision to move from 650 to 600. Given the acute political divisions that we have in Northern Ireland and the history, people are easily led into surmising how that might have impacted on one community or another. I am happy for the Committee to explore that further. At least in the initial stages, it formed part of a court case that concluded within the past month on the previous boundary proposals.

In these proposals, we are satisfied and pleased to see that the 650 figure will remain, albeit highlighting the fact that in the previous Parliament legislation was introduced in 2018 that sought to solidify in legislation the 18 seats for Northern Ireland, with 632 for the rest of the United Kingdom. That is a commitment that was there two years ago, although it did not leave Committee. We believe that it is important to solidify the constituency and boundary arrangements that we have at present in Northern Ireland.

Q233 Chloe Smith: Thank you, Gavin. Will you go into the next level of detail, to do with how the rules given to the Boundary Commission for Northern Ireland helped to bring about their review?

Gavin Robinson: The particular rule that we can rely on in Northern Ireland is rule 7. That rule is important for us, given the geographical nature of Northern Ireland, with the urban dimensions and restrictiveness of our small part of the United Kingdom. Rule 7 allows us, where there is unreasonable infringement, to go beyond the 5% tolerance. We wish to see that important rule maintained. That is maintained.

We are mildly concerned that the consequence of the judicial review that just emerged from the Court of Appeal may inject a level of chill in the Boundary

Commission's ability to rely on rule 7. It is an important flexibility that it should use, with the need ultimately to demonstrate the rationale for doing so.

Q234 Cat Smith: Thank you for giving evidence, Gavin. Do you feel that a commitment to protecting the 18 seats in Northern Ireland without a similar protection for Scotland and Wales compromises the integrity of the Union in the longer run?

Gavin Robinson: I do not think it compromises the integrity of the Union in the longer term, but I do see that some of the arguments that could be used for retaining 18 seats in Northern Ireland could naturally apply to some of the other devolved Administrations. Fundamentally, the Northern Ireland Act 1998 provides for Assembly constituencies to be contiguous with our parliamentary constituencies. Without elections occurring at the same time, you could have a situation where you have representatives for a parliamentary constituency that no longer exists remaining in the Northern Ireland Assembly. I assume that unless there was some co-ordination between election times and reviews, that anomalous situation could occur, with representation for areas that no longer exist, depending on a boundary change and the configuration at that time. That is important for us.

You cannot really go beyond our boundaries unless you are prepared to go into extraterritorial application or the sea. Land boundaries with Scotland and Wales are obviously a little less constrained, but when you consider the impact on the devolved Administrations, I do think there is an argument that you can extrapolate from Northern Ireland to others.

Q235 Cat Smith: Finally, is there anything else in the Bill that the DUP has any concerns about?

Gavin Robinson: I believe it is wrong to move away from parliamentary approval. I see the proposal is to remove the ministerial ability for amendment and to remove the ability for Parliament ultimately to approve the proposals. Parliamentary approval is an important constitutional dimension that should be retained. It is a bulwark against proposals that do not rest well with our body politic, and I do not think the removal from Ministers of the ability to amend is in any way commensurate with the removal of Parliament's ability to approve the proposals. The Minister will know better than I, but I am unaware of any fundamental use of the Minister's ability to amend. We are all aware, however, of Parliament's ability to inject itself and determine one way or another whether proposals should proceed. So we are concerned about the loss of parliamentary approval in the process.

Q236 David Linden: I am grateful to Mr Robinson for appearing before the Committee. He is obviously a Unionist, and I am not, but can he see the fundamental problem that people in Scotland and Wales may have in seeing Northern Ireland getting to keep its 18 seats while they get lesser representation in the House of Commons, from a Unionist point of view?

Gavin Robinson: Arguments can be made for solidifying the number of constituencies in other parts of the United Kingdom, but I do not think there should be any rationale that precludes me from advancing an argument that is important for Northern Ireland on our political context and make-up. On our number of electors,

at this moment in time we have sufficient electors for 17.63 constituencies, leading to the 18 constituencies, and we have that additional flexibility on rule 7.

Mr Linden, you are more than capable of advancing arguments that are important for Scotland, as indeed is Mr Lake for Wales. I think it is appropriate that the concerns highlighted about a cyclical reduction that could potentially arise through future reviews—a cyclical reduction or increase of parliamentary boundaries, and the knock-on consequence that would have for devolved Administrations—should be considered more generally, but I will advance the argument on Northern Ireland's behalf.

Q237 David Linden: Can I draw your attention to new clause 7, which I have tabled? I appreciate that you may not have it in front of you. That new clause seeks to initiate a bit of debate about the application of rule 7, not just in Northern Ireland but other constituencies. Is there any circumstance in which you could envisage the application of rule 7 being helpful for other parts of the UK, not just Northern Ireland?

Gavin Robinson: I am sure it could be. Again, that is an argument that could and should be advanced, and I would not hinder someone in making that argument. When we went through the process within the past two years, with the various iterations of Boundary Commission proposals for Northern Ireland, the rationale for using rule 7 was incredibly clear. The Boundary Commission's initial draft proposals brought forward constituencies that were not in any way consistent with geographical localities, urban dimensions or local ties, and were outwith the legislative framework that I believe the commission had in its process. They commenced with a false premise, and ended up with a real mishmash of parliamentary boundaries.

I was pleased that they invoked rule 7. I mentioned the chill effect earlier: that use of rule 7 was struck down by the Court of Appeal within the past month in the case of Patrick Lynch. It was not struck down because rule 7 was used inappropriately, but because the Boundary Commission simply failed to articulate the rationale for using it. It has been proven to be an incredibly important tool to ensure the fundamentals of achieving good boundaries within Northern Ireland were attained in the last process.

Q238 David Linden: One final question if I may, which is perhaps slightly mischievous. Obviously, in the last Parliament, the Government had a very different view on how many seats there should be in the House of Commons, namely that there should be 600. It is well known and on record that the DUP was opposed to that, and was part of a confidence and supply agreement. Did the DUP and the Government ever discuss those proposals, and is that perhaps why Orders in Council did not come forward in the last Parliament?

Gavin Robinson: I think you imbue me with greater knowledge, Mr Linden, and considerably more power than the circumstances merit.

David Linden: Thank you, Mr Robinson.

Q239 Chloe Smith: Gavin, I want to round out our session with one quite small piece of detail, but one that we have not managed to touch on with any other witness

yet. That is the way in which the constituencies of the Northern Ireland Assembly are directly tied to UK parliamentary constituencies.

As you will have seen from a close reading, this Bill makes provision for a buffer period between recommendations from a boundary review that would come into effect for the UK, and the point at which the Northern Ireland Assembly constituencies would change to reflect those new boundaries. I wonder if you might be able to give us a little more insight into the impact of such a scenario—that is, what effect not having that kind of buffer and protection would have on constituencies and electors in Northern Ireland.

Gavin Robinson: I think as currently outlined, with a projected Assembly election in 2022, the process is manageable. There are two considerations for further reflection; we will reflect on them, and I am sure others will as well.

The first would be a cyclical reduction in uplift from 17 and 18, which I think would be unhelpful given the knock-on consequences that would have for the Assembly elections. Fundamentally, given the difficulties we have faced over the past three years—the stagnation in the effective operation of our devolved institutions—I do not think we have fully reflected on or resolved what would happen should there be an early or emergency Assembly election and how that may be impacted by this boundary process.

Q240 Chloe Smith: Thank you. I seek to get on the record your thoughts on the vanilla scenario, if you like, of those moments in the future when Northern Ireland Assembly elections might be scheduled to clash with, or come close to, UK parliamentary elections, and on the way in which the buffer provision seeks to give some ease to administrators, campaigners and citizens in Northern Ireland from those two things being unmanageably close together. If you have not had a chance to think through that, please do not feel the need to comment further, but if you have, that will be interesting to the Committee.

Gavin Robinson: Only that, as I indicated at the start of the answer, as currently drafted, the process will be entirely manageable.

Chloe Smith: Thank you very much indeed. I was keen for the Committee to note that, so I appreciate your help on that.

The Chair: There are no other questions from the Committee to our witness. Gavin, I thank you very much indeed for enlightening us on the views of your party on the Bill and for sharing how other parties in Northern Ireland feel about this particular piece of legislation.

Examination of Witness

Dr Jac Larner gave evidence.

3.41 pm

Q241 The Chair: I owe you an apology, Dr Larner, because I have had you waiting an awful long time for this call. There was a moment in our proceedings this afternoon where it appeared that we could have had a

gap, so I am grateful that you have been on standby for so long. I hope you have not been bored but enthused by our proceedings. Dr Larner, would you please say something about yourself?

Dr Larner: It has been very interesting, actually; certainly not boring at all. I am a research associate at the Wales Governance Centre at Cardiff University. My research focuses on electoral behaviour—how people behave around elections. A big part of that is that I am a research associate on the Welsh Election Study and the Scottish Election Study, which are big surveys around election times.

Q242 Chloe Smith: Thank you very much for joining us, Dr Larner. We really appreciate it. It is great that we have had the chance to hear from you and from your colleague, Professor Wyn Jones, last week. I will keep it extremely general at the outset. Will you give us your view on the provisions in the Bill and say whether you support them or not?

Dr Larner: The Bill has particularly drastic changes and implications for future elections in Wales. The planned change to reduce the number of MPs from 650 to 600 has now obviously been rethought, but proportionally, that does not really make much difference in the reduction for Wales. If we have 600 MPs, there is a planned reduction of around 12 seats. In the new plan to stay at 650, Wales' seats will drop by eight. Either way, the proportional representation of Wales in the Commons will be around the 5% mark. That is obviously of concern.

Wales is the biggest loser here. At the same time, it is also worth bearing in mind that, in pretty much any set-up, Wales will always be, proportionally, a very small part of the representation in the Commons. It might also be important to consider things such as really strengthening intergovernmental relations between the devolved Administrations and Westminster going forward.

On whether I outrightly support the Bill or disapprove of it, that is slightly more complicated. I will leave my answer at that, if that is okay.

Q243 Cat Smith: As you have outlined, Dr Larner, it is expected that we will see some big changes to the constituencies in Wales, and with that we will see new boundaries drawn, probably around communities that look very different. How important do you feel community identity and having communities together in one constituency are when it comes to that balance between keeping communities together and the electoral tolerance of 5%?

Dr Larner: That is a very important question, and particularly relevant where I am from, for example, in south Wales. People talk about the valleys as one block, but I can assure you that people from one valley to the next, no matter how small, consider themselves quite different. There is the importance of people feeling that their community is being represented, without being interfered with by what they might see as people from other, different communities.

There is also the important uniqueness of Wales's being particularly rural in its population. Given the tolerance at the moment, doing some quick maths, at the lower bound of what is being suggested at the moment—around the 69,000 voter mark—depending on which data source you use, there are only either two or four

constituencies in Wales larger than that lower bound. That would necessitate really big boundary changes, and we know from some of our research that people like do not like the idea of constituencies being merged in different areas. It is really a balancing act in terms of how much importance you give to that kind of intuitive feeling of, “Oh no, I want boundaries to stay as they are,” versus the idea of fairness in the size of constituencies.

Q244 Cat Smith: To follow up on that, for those of us who are not Welsh, could you say whether people, particularly in the Welsh valleys, identify predominantly with the valley they live in? Could you just expand slightly on that?

Dr Larner: Don't get me wrong, not everyone will feel like this, but there is a certain feeling that yes, the Rhymney valley is very different from the Rhondda. There is that kind of feeling—although, when confronted with anyone from north Wales, you are from the valleys, the whole thing. It changes depending on who you are talking to, of course.

Q245 Cat Smith: I can quite relate to that, as a Lancashire MP who will have solidarity with Yorkshire when faced with a southerner. A slightly different but perhaps similar final question on identity: there are parts of Wales that have a higher percentage of first language Welsh speakers than others. Do you feel that the Bill would be strengthened by and benefit from an amendment that has been tabled to take note also of people's language when drawing community identities? I suppose I am asking whether Welsh language counts as part of an identity.

Dr Larner: Absolutely. There is a lot of very well-backed-up evidence in Wales that Welsh speakers, particularly fluent, first language Welsh speakers, tend to hold slightly different opinions on a whole range of ideas. They see themselves slightly differently from other people; they tend to identify not particularly as British, but more overwhelmingly as Welsh-only, whereas in more English-speaking areas there is more of a mix of Welsh and British identity. I would absolutely say that the ability to speak Welsh is a really important part of some people's identity.

Cat Smith: Diolch.

Q246 Ben Lake: Diolch, Dr Larner. I suppose we have had quite a bit of discussion, not just today, but last week, about the best way of allocating seats between the four nations of the UK. I wonder whether you have any views about the balance the Bill strikes as it is and whether there are any better ways to strike that balance

Dr Larner: In terms of those who are interested in a solid Welsh representation in the Commons, I would not say that this Bill is particularly good news. On the other hand, if we took a hypothetical situation where the number of Welsh MPs was increased by 10, you would still be looking at a very small proportion of the total representation in the Commons.

Specifically with the Bill, it is tricky to see how that can be fixed. More broadly, if we want to take the nations approach seriously, we need to think about how we do devolution. We need to think about doing that properly in Wales, which has had what my colleague Ed Poole likes to call salami-sliced devolution, as opposed

to Scotland. We need proper inter-governmental relations baked into Whitehall processes. Another idea commonly talked about is House of Lords reform. I know that is far beyond the scope of the Bill, but those are the things we need to think and talk about.

Q247 Ben Lake: Thank you, Dr Larner. I would agree with you. I tried to test the patience of the Chair last week by approaching Lords reform, but I will not do it again. I think that the point you made about the salami-sliced nature of devolution in Wales is important for consideration within the scope of the Bill when it comes to the allocation of seats between the nations.

The panellist from the Liberal Democrats suggested that there should be no reduction in the number of seats without further devolution. I think his point was that the devolution settlements across the UK—especially if we compare Wales, Northern Ireland and Scotland—are very different. There are perhaps more policy issues decided in Westminster that directly impact Wales.

A recent change that I would be interested in hearing your thoughts on is the UK leaving the European Union. Things that were previously decided on a European level, where Wales had four MEPs, are now being decided at Westminster. Some aspects of that touch, indirectly or directly, touch on policy fields that are commonly considered to be devolved to Wales. Should this new dynamic, now that the UK has left the European Union, in which more things will be directly or indirectly influenced at Westminster, be borne in mind when we allocate seats across the nations of the UK?

Dr Larner: I certainly think that is something to keep in mind, not only with the allocation of seats, but with the general operation of Government. There is another important idea—related to that and other points made earlier by your colleagues—about voter knowledge in Wales: it is important for people to know who is responsible for what.

Another idea often talked about in academia is that a reduction in the number of MPs in Wales, given that people are aware that more constituencies in Wales are being scrapped than in other places, will cause people to give less importance and salience to Westminster generally. That would be the message coming from the centre, if you like. The idea is to make it very clear who is responsible for what, and that should always be taken into account.

Q248 Ben Lake: Finally, some of my colleagues would argue that a fair way of allocating seats across the UK is purely to look at population or the number of electors, and that is a valid point. I was asked last week by a colleague of yours, Professor Wyn Jones, whether there was any logic in maintaining the over-representation of Wales in the House of Commons based purely on population. Since 2001, the population of Wales increased by about 5% to 2011 and again by another couple of hundred thousand to this year. It is projected to increase yet again by 2028, but in all likelihood, due to the relatively slower rate of increase than in England, Wales will continue to lose seats.

The automaticity of the Bill, should it pass, would mean that Wales would not only lose eight seats in this particular review but a further couple of seats at the next review, unless something drastic happens and everybody wants to live in Wales—there is a welcome in

the hillsides, by the way. Should that scenario come to pass—I appreciate it is a hypothetical scenario at the moment—could it have any impact on sentiments within Wales and perhaps attitudes towards the Union?

Dr Larner: It is of course hypothetical, but as I have said, there is the idea—I should point out that we do not have firm evidence on this—that a reduction in the number of MPs is seen by some in Wales as meaning that Westminster is no longer as important to them politically. I know that Professor Wyn Jones has some quite strong views about the importance of rural dynamics and things like that, which I disagree with slightly. It is certainly something to bear in mind, however, especially given the real and rapid increase in the visibility and general salience of the Welsh Government and the Senedd in the last couple of months.

Q249 Christian Matheson: Good afternoon, Dr Larner. I am the MP for the City of Chester, so I share a street with Wales. One side of the appropriately named Boundary Lane is England and the other is Wales. If I think about the areas of north-east Wales that abut the border, I am told that there is a sense within those areas close to mine that perhaps because of the geographical separation from Cardiff, they look to England—to Manchester, Liverpool and Chester—more than down to Cardiff and the south. Do you have any sense that that is the case and do you therefore have a sense as to whether Welshness, if you like, or looking to Cardiff for political leadership, is regionalised?

Dr Larner: We have done some research on that. There is not really much geographical variation in terms of general support or attitudes towards the Senedd. Certainly among some people, there is the idea that devolution has largely profited Cardiff. I would not say that that is a unique feeling in Wales. In most systems, there is a general feeling that the further you are geographically from the centre of power, the more fed up you might feel about it.

In those areas, although people might not look to places such as Liverpool and Manchester politically, those areas and cities have a significant impact culturally. There are also more people working across the border in those areas. In a lot of those constituencies, a higher number of people were born in England and might still consider themselves to be English or British, not necessarily Welsh. That is a big divide in Wales. National identity does determine—well, not determine in a lot of ways, but is a good predictor of—your general attitude to devolution.

Q250 Christian Matheson: Secondly, Wales has some centres of population but it also has areas of sparsity, and some serious geographical issues that a boundary commission review would need to take into account. I made that point to Professor Wyn Jones as well, but I would be grateful for your take.

We have already heard about the south Wales valleys and there are parts of Snowdonia that are very mountainous. I suspect that Wales is more badly affected by losing so many seats because we are focusing solely on the numbers, and that the areas of sparsity and the geographical barriers would lead to much larger constituencies in area. How would you strike a balance between geography, sparsity, rurality and numbers?

Dr Larner: There is an understanding that Wales is the most rural nation in terms of population in the UK. As you say, there are very large constituencies. The issue with the plus or minus 5% rule is that these areas are badly affected. I do not necessarily have a problem with the idea of levelling up constituencies in terms of population size, but I think there are certain geographic limits to what is a manageable constituency. There could be the inclusion of an upper band for the number of square miles in a constituency, or something as simple as that. I know that is a down-the-middle answer.

Q251 Mrs Miller: Thank you, Dr Larner, for your evidence today. It is incredibly helpful in the Committee's deliberations.

Under these provisions there are four protected constituencies, as you know: two are on the Isle of Wight, near my own constituency of Basingstoke, and two are in Scotland, but there are none in Wales. When the proposal was to reduce to 600 constituencies, it was difficult to give protection to Ynys Môn, yet under this proposal it is easier to do so and stay closer to the potential threshold for constituency sizes. I have tabled an amendment to that affect, which I do not know whether you have had a chance to look at. Can you see any problems with introducing such an amendment into this legislation? I declare an interest as I was brought up in south Wales.

Dr Larner: On the face of it, I certainly do not see any problems. I have also seen some people discussing the idea of some of the constituencies on the west coast of Wales, where there are far more Welsh speakers and very rural constituencies, being considered for something like that. Obviously, Ynys Môn is not as isolated geographically as some of the Scottish constituencies, but, when you consider that the Isle of Wight is involved in these protections, it is reasonable to suggest that Ynys Môn should be too.

Q252 Bim Afolami (Hitchin and Harpenden) (Con): Dr Larner, you mentioned at the beginning that you studied electoral and voting behaviour. In the evidence sessions we have heard a lot about the impact on people when they feel that local ties are not respected or that their community is being broken up by a constituency boundary.

Have you come across any evidence from the last few boundary reviews on what a more disruptive boundary review does to voting behaviour, as regards the parties or candidates people vote for, or whether they vote at all?

Dr Larner: Not necessarily in the way you put it, but there is interesting evidence if you compare strategic voting in Scotland and Wales, especially at devolved elections. In Wales, constituency boundaries for devolved and UK general election elections are coterminous, which is a silly word meaning the same, and in Scotland, they are different; they do not overlap. There is a lot of very interesting evidence on those elections. When people are faced with different boundaries, how do they calculate who they will vote for? There is some evidence from Scotland that there is more confusion when faced with different boundaries and boundary changes. For example, people are not always sure which is the strongest candidate, or which is the favourite or second favourite candidate.

There is evidence that those boundary changes, which are consistent and repeated—they are not one-off events—cause some confusion among voters.

The Chair: Dr Larner, you waited a long time, but the Committee had plenty of questions for you, and we are very grateful for the time you spent with us. Thank you.

Examination of witnesses

Dr David Rossiter and Professor Charles Pattie gave evidence.

4.6 pm

The Chair: Colleagues, we come to our final session this afternoon. We have Dr Rossiter and Professor Charles Pattie. Could you please introduce yourselves, gentlemen?

Professor Pattie: I am Charles Pattie, professor of politics at the University of Sheffield. I have been studying elections and boundary reviews for something like 30 or 35 years.

Dr Rossiter: My name is David Rossiter. I do not want to outdo Charles, but I have studied and published on the process of redrawing boundaries for about 40 years. I was the lead researcher on a Leverhulme-sponsored study on the work of Boundary Commissions in the 1990s, and was responsible for much of the modelling for the McDougall Trust report on the impact of the Parliamentary Voting System and Constituencies Act 2011 in 2014.

Q253 Chloe Smith: Thank you both for joining us. I salute you for your combined seven or eight decades of work on these matters. It strikes me that you are extremely well placed to help us have a very down-to-earth conversation, and to remove some of the high-falutin' terms that get used sometimes in these matters.

I noted that you and your late colleague, Professor Ron Johnston—we send you our condolences on his loss—looked into claims of bias in prior reviews. You were very clear that there is a function here for levelling the playing field by ensuring updated and equal boundaries. Could you please go into that?

Professor Pattie: Thank you for your words on Ron. Do not take it amiss, but I think both David and I would, in some respects, prefer it if Ron were here to talk to you in person. I mean that in the best of possible senses.

Your question about bias is very interesting. Obviously, it has been the cause of some concern. There has been a particular party political concern about the extent to which the system has become substantially biased in Labour's favour. Part of the concern is around constituency size effects, which the current legislation and the 2011 Act deal with.

You heard earlier today—I think John Curtice also discussed it this morning—that there are two things to bear in mind. First, we are talking about bias between Conservative and Labour. As long as we have a first-past-the-post system, there is in-built bias against small parties with equal vote shares. The Conservative-Labour bias in particular does have an element around the constituency size effect, which the legislation largely removes. Most of the bias that has caused comment and concern in recent years has come from other sources

that are nothing to do with the constituency size issue. They are to do with things such as preferential abstention rates, third-party effects in different seats, and in particular the efficiency with which parties' votes are spread.

In the last few elections—every election since 2015—the relative Conservative-Labour bias has run in favour of the Conservative party and not Labour, largely because the Conservatives have become much more efficient in how they campaign and where they win the votes. To that extent, the legislation deals with one of the sources of bias. However, as a few witnesses this morning pointed out, that is one of the smaller components of the bias picture, and the bigger elements of bias are not really dealt with by this legislation—and I suspect cannot be dealt with by any legislation.

Dr Rossiter: The change to a UK-wide quota quite clearly deals with the fact that there were higher levels of representation in Scotland up to 2005, and still are in Wales. If you look back to when the current constituencies—the ones you are representing—were first defined using 2000 data, there was no bias at that time in favour of either party in terms of the size of the seats. The 10 largest seats defined at that stage included Hornchurch and Upminster as well as Croydon North; one was Conservative, one Labour. If you look at the 10 smallest seats, again, there is a completely equal mix. So for every Hexham, there was an Islington South and Finsbury. It is not that the commissions were unable to provide equality at the date of enumeration—that is, the date they have to work to. It is the demographic change that took place in ensuing years that has caused the big disparities that were more evident in the 2005 and 2010 elections than in 2000.

That demographic change was already slowing down in the 1990s, and over the past decade it has effectively ground to a halt. That process is no longer continuing. From that point of view, the pre-2011 legislation was able to deal with an awful lot of the difficulties that come from differently sized seats. The issue was: how, if at all, can you deal with the fact that certain areas grow in size and certain areas reduce in size? Reducing the period between reviews—the Bill suggests eight years—seems the best way to achieve that.

Q254 Chloe Smith: Thank you very much. You concluded with an argument in favour of regular reviews and, I suppose, getting on with it. As you pointed out, the age of the data that currently holds sway is in itself an argument for moving ahead to the first of a new series of reviews, and establishing a series from there.

Dr Rossiter: Yes.

Professor Pattie: Absolutely.

Q255 Cat Smith: I would like to start by passing on my condolences to you both after the unexpected death of your colleague Ron Johnston. There is an argument to be had about where the balance lies between drawing constituency boundaries that look like the communities that people recognise around them, and the electoral quota and the flexibility to stray either side of it. The Bill proposes a variance in the electoral quota of 5%. What do you think the number should be to strike that balance between community and constituencies of equal size?

Professor Pattie: I guess we can break that down into two constituent parts. One is whether we should have a principle of priority within the rules, as in the 2011 Act and in the Bill, with some notion of equalisation of electorates being the top criterion rather than the medium criterion, to avoid some of the confusion and tension of the earlier rules. To that extent—Dave may feel differently about this—I would certainly endorse the notion of having an equalisation rule as the top priority.

The second element of this is where to draw the tolerance. Should it be 5%, 1% or 10%? On that point, I think you have a rather more open debate on your hands. Dave referred, when introducing himself, to the work that we did for the McDougall Trust in 2014, looking at the process around the sixth review—the first under the 2011 legislation. In that work, we tried to estimate how much disruption different tolerances would cause in the system—how much breaking of ties and breaking up of existing seats there would be. Inevitably, there will be quite a lot, both in the first review under the new rules and in any subsequent revision. However, on our estimates, if you set the tolerance at around 7%, 8% or 9%, disruption is reduced, and you do a better job of maintaining existing ties and links.

Yes, equalisation is important, but the question is what tolerance you should work to, and how wide you set that tolerance. Our estimates suggested that 8% starts to get you into the compromise zone and makes life a bit easier.

Q256 Cat Smith: Dr Rossiter, do you have anything to add?

Dr Rossiter: Yes. I am afraid that it is probably a rather technical point, but it is quite important, in terms of the effect that the rules will have on future reviews. The 2011 Act created the UK quota and laid down the rules for allocations to countries and regions, but if we look at registration statistics over the last 20 years, we can see how those national and regional entitlements vary over time. We know that in an average eight-year period, we would be likely to see about eight changes to either national or English regional entitlements—that is between each pair of reviews. With a fixed Parliament size, that would necessarily mean that four new seats would be created in the UK and four abolished.

In the case of an abolished seat, you will have to redistribute 60-odd thousand electors to neighbouring constituencies. That in itself will take most, if not all, of those neighbours over quota. Any seat over quota will need to lose one or more wards to compensate for the addition. The process continues in this way, much like ripples on a pond, until all seats are within the 5% tolerance. Several of the affected seats will need to become participants in the process, even though they were within quota; they act merely as transit stations.

You can think of the scale of the impact of this process, which is required by the 2011 rules, as inversely proportional to the level of tolerance. As a rule of thumb, which is always useful in such circumstances, dividing 100 by the level of tolerance give you a rough idea of the number of seats that will be affected. By contrast, under the previous rules, which allowed the commissions far more discretion, the process would affect just a handful of seats and would typically be contained within a county. In the fifth review, Cornwall gained a seat, but that had no knock-on effect whatever on Devon. That is simply not possible under the current rules.

If we assume eight changes of entitlement in eight years, and if we take the existing 5% tolerance, the rule of thumb would suggest that, every eight years, 160 seats will require significant and often major change. To that has to be added the 100-plus other seats that have drifted outside what is a much tighter quota than has ever existed before. This is something that I have not heard mentioned as part of what the 2011 Act effectively ensured. The critical point to take away is that the interplay of the rules with such a tight tolerance will effectively guarantee a major redrawing of constituency boundaries at every subsequent review.

Q257 Cat Smith: Dr Rossiter, I hope I am not putting words in your mouth, but would a way to solve that involve some level of tolerance over the total number of constituencies that need to be drawn up? The Bill fixes that number at 650. Is there an argument for giving the commission the flexibility to go as close to 650 as possible while respecting community ties?

Dr Rossiter: Back in 1998, we wrote a proposed new set of rules that would have achieved what I think would have been a rather better way to work—I would say that, wouldn't I? We felt at the time that the differences between national quotas, and the discrepancies between constituencies across England, were too large. We suggested that a new set of rules could say, "Yes, we'll have a UK-wide quota, and we will have a target size for Parliament of whatever number of seats you wish." It is 650 in the present case. We then said that a commission should be restricted to no more than 10% variance around the UK-wide quota, but that it should aim to get constituencies as near to that quota as was practical. That would give commissions the extra latitude that they would need to avoid many of the difficulties that were so evident in the 2013 and 2018 exercises.

At the same time, we would make it clear that electoral equality is a very important thing to aim for, and it should be the goal in all circumstances. I believe that having a degree of flexibility is extremely important, and I fear that not having it will inevitably cause consequences further down the line.

Q258 Cat Smith: Finally, are there any other opportunities to strengthen or improve the Bill in Committee?

Professor Pattie: One of the areas that I was quite pleased to see in the Bill was a re-examination of how the inquiry and hearings are held, because that is problematic.

However, there is still a bit of a challenge for the public hearing process, because the areas in which those hearings now operate are just so incredibly large. There was some discussion earlier in your deliberations about ways in which the process might be improved to allow greater flexibility in local discussion. But you must remember that you are talking about entire regions, and about entire countries in Scotland and Wales, and people can turn up at a hearing in one corner of the region or country to talk about a seat in quite another part, and the chances of having a meaningful conversation about those proposals are remarkably small.

I am not sure that I have a clever proposal for you, but I think that is something to worry about; the extent to which those hearings really produce helpful information

in all bar a few cases would be a concern that I have. I cannot suggest a fix for you, but if you want to look at something, that is another area that it is worth just having a bit more thought given to it.

Q259 Bim Afolami: I suppose that this question is for both of you. If you think back to previous reviews that have taken place—admittedly, obviously, under different rules—to what degree of magnitude do you think this review will end up changing the existing constituencies?

Professor Pattie: Big is the very short answer. This is liable to be one of the most disruptive reviews that we have seen for quite some time. As Dave mentioned earlier, on our estimates you are looking at major disruption again, and again, and again, into the future, especially if you hang on to that 5% tolerance. So, this will be big. Further reviews will also be big, so this will become a feature of the system going forward.

Dr Rossiter: If I can just add to what Charles has said, when we did our 2014 exercise we estimated that approximately half of seats would experience major change at this first review, but we based that on 2010 data, because that was the data that was available at that time. So, we were looking at rectifying changes that had taken place over 10 years, plus the change to the rules. We will now be looking at an exercise that has to rectify the changes over 20 years and I think that we will be looking at something like two thirds to three quarters of seats experiencing very significant change at this coming review.

Contrary to what I think are some of the optimistic views that were expressed earlier in proceedings, I see little chance of county boundaries remaining intact in large parts of the country. I think that most county and unitary authority boundaries will need to be breached. I also think that many more constituencies will be split across local authorities, and vice versa, and many more seats will have orphan wards in them.

Again, looking at this in an historical context, there have not been that many reviews that have had to deal with 20 years of changes, so it is probably not too helpful to concentrate on the disruption this time round; it was always going to be like this. I think that what is much more worthy of consideration in terms of legislation is realising the longer-term implications of it, because the danger is that if these changes are not realised, you only have to go back to the 1954-55 debates in Parliament, when MPs suddenly realised what had happened in the previous legislation and said, "We do not want our constituencies changed on this basis. Why are we having all this change?" Four years later, legislation was introduced to reduce the need to change to meet an arithmetical standard. My fear, obviously, is that that will be repeated.

Q260 Bim Afolami: That is interesting. Out of interest—I could go and check this now, but I do not have it in front of me—on the 2018 review, which obviously did not happen, for various reasons that we have discussed already, what percentage of seats underwent what you would consider major revision?

Dr Rossiter: I do not have that figure to hand. One of the problems is that this affects different parts of the country differently, so, for example, during the 2018 review, the south-east of England was little affected because it was set to lose only one seat during that

review. Now that we go back to 650 seats, because of the growth in the south-east of England, the south-east will gain seven seats. Gaining seven seats inevitably results in a huge amount of change.

So, it can be helpful to look at what happened in 2013 and 2018 as exemplars of what results from this, but this is the problem: the devil is always in the detail. It is always in the specific geography of the area. It is always in the specific number of electors—whether a county, for example, has an integer entitlement or a non-integer entitlement. I have near me the example of East Sussex. East Sussex at the moment is entitled to eight and a half seats. With a 5% tolerance either way, that will mean that the East Sussex boundary has to be bridged. Kent is perfectly okay. West Sussex is perfectly okay. Therefore, in sorting out the problem in East Sussex—this is all provisional on 2019 data not changing an awful lot—we will need to see something that goes across the county boundary in one way or another.

Until we know the final figures, we will not be able to be absolutely certain on any of these issues. At least half of seats were changed during the 2013 and 2018 reviews, and when I say that the forthcoming review would be between two thirds and 75%, that is simply a reflection of the fact that it is trying to deal with that extra amount of time. What seems surprising is that maintaining 650 seats does not necessarily help a huge amount. It helps slightly, but not a great deal, in minimising the disruption that is going to happen. I hope that that is helpful.

Q261 David Linden: Thank you very much, Professor Pattie and Dr Rossiter, for coming before the Committee. I have a couple of questions that I want to explore with you. You may have seen in previous oral evidence there has been some discussion of the idea of the building blocks for constituencies, whether those are used by polling districts or wards. Can you offer a view on that? Perhaps Professor Pattie would start off.

Professor Pattie: This is an interesting issue, isn't it? The issue here again is obviously over, partially, the practice of splitting wards—which clearly can be done—and partially the pragmatics, if you like. I know you have had lots of evidence already about data sources, software availability, etc. I will leave that to people who are more expert in handling those data systems, but clearly that causes an issue. I think I would raise just two points, here. First of all, harking back to our 2014 McDougall Trust report, we did try there to estimate the relative effects on disruption of playing around with the tolerances versus playing around with ward splitting. Ward splitting certainly helped to reduce the amount of disruption, but in our estimates it did not reduce disruption anything like as much as widening the tolerances moderately. The second thing you have to bear in mind here is that we are talking about disruption to communities. Remember how the Boundary Commission's local government wards operate. It tends to be quite strong on the idea that, in building the ward suggestions, it is trying to represent people, so when you split a ward, arguably you are splitting a community—you are doing the very thing that you are trying to avoid, to avoid the thing that you are trying to avoid, if that makes sense. You end up in a strange circular process in which you disrupt a community to save a community. Where the white line is on that is anyone's guess, but ward splitting is neither technically

a global panacea, nor conceptually a panacea, precisely because in splitting a ward, you might well be splitting a community.

Q262 David Linden: Continuing the theme of geography, although I appreciate that you will not necessarily have the amendment paper in front of you, I have tabled new clause 5, which looks specifically at the highland constituencies and that limit of 12,000 sq km. I have asked this question of other witnesses before the Committee. Can you offer any thoughts on ways in which to manage constituencies so that they are slightly more manageable for Members? I think that most people would agree that having a constituency of 12,000 sq km is somewhat unsustainable. In my name, I have tabled a new clause to say that it should be 9,000 sq km, for example. Do either of you have a view of that, in terms of the management of constituencies?

Professor Pattie: At the risk of sounding flippant, the Durack division in Western Australia is 1.63 million sq km. The north highlands is large, but there are much larger seats out there. It is how you strike the balance, I guess, but where it is can be tricky. I would not want to minimise the workload of an MP, in particular working in any area as large as the north highlands. Where one draws that line is a judgment call. I do not think that you will find an easy answer. To use a phrase much bandied about at the moment, I do not think that this is an area where one can defer to the science, because there is no clear science to this.

Q263 Chris Clarkson: This is for both our witnesses, but I will start with Dr Rossiter. Do you agree that reaching electoral equality is important not just between regions but within regions? I will take the example of between regions first.

At the moment, Wales has an electoral quota of about 54,500, as opposed to about 72,000 in the north-west. Within Greater Manchester, where I am an MP, the number ranges from about 63,000 to 95,000. To take the concept that you just put forward of not splitting communities, in my borough are two seats that are prettily evenly divided: mine is Heywood and Middleton, and the neighbouring one is called Rochdale. From the sound of things, they are self-contained communities, but, in reality, I represent about a third of Rochdale. If you were not to split the communities, my neighbour would represent 103,000 people to my 57,000. Taking that to the logical extreme, do you not accept that, at some point, you will have to split some communities in order to achieve electoral equality?

Beyond that, talking about disruption in future reviews, would you accept that, to a degree, splitting wards would minimise that, reducing the amount of absolute disruption? Most of the disruption that will come from this review relies on the fact that the electoral figures we are using are 20 years out of date.

Dr Rossiter: If I take your second point first, I do not think that the difficulties that are going to come with the current review will be of such a scale that anything really can be read into them—too much should not be read into that, if you see what I mean. To take your first point, the commissions have always been capable of producing constituencies that are very close to quota. The problem you are identifying—these large differences in constituencies—has largely come not because of an observance of local ties, but from demographic change

within and between regions. I am totally comfortable with the concept of trying to achieve equally populated constituencies—I have always thought that should be aimed for. My concern is the unintended consequences of a set of rules, which I think is the territory we have entered.

In terms of principles, absolutely every person's vote should be treated as equal in so far as that can be achieved in a constituency-based system. There is no reason why either between or within areas that should not be achievable. Where local authority boundaries have to be crossed to achieve that, I have no problem with that. I remember writing a paper back in the 1980s about how we needed to look at crossing London borough boundaries, which were being observed as almost sacrosanct at the time, causing quite significant difficulties and an over-representation effect.

What I think we are looking at is how you strike the right balance. I do not disagree at all with where you are coming from and what you are trying to achieve; it is just that by placing in a rule as strict as 5%, you are removing a degree of discretion that will not benefit anybody either politically or in their sense of connection with a constituency and their MP.

Professor Pattie: To add to that, the point I was trying to make earlier was not that one must never split communities. That is going to happen, and it always has happened under the boundary review process; there have always been communities split. My point is to recognise that splitting wards in itself is not a solution, because that may involve another form of community split. But we must also remember—Iain put this nicely this morning when he described the different directions in which community can run, depending on how it serves different people's interests—that community is very much in the eye of the beholder. I am sure we all recognise, even in areas that we know well, that we could quite quickly generate quite a few different views of what a local community really was. They are often genuinely held. So, one should not be too—how can I put this?—precious about community versus size. I think David is absolutely right: the issue is where to strike the balance and how one achieves that as relatively painlessly as possible.

Q264 Chris Clarkson: To take that thread, if we are not being too precious about communities, why is a 7% or 8% variance better than a 5% variance? Surely it is better to get closer to the mean.

Professor Pattie: We would argue it is better because it involves less disruption to the boundaries of existing constituencies, so you get more continuity of representation over time.

Q265 Chris Clarkson: Less disruption is less work for the Boundary Commissions, rather than electoral equality.

Professor Pattie: Well, you still have equalisation and a fairly tight parameter in terms of the size of seats, but one does not have to artificially flex things too much. You are trying to strike the balance between the rules of equalisation and rule 5 conditions. One is trying to hit that balance point between equal electorates and not too much disruption.

Q266 Chris Clarkson: I take the academic point, Professor Pattie, but I think it would be quite a hard sell on the doorsteps to tell some of my constituents that 20,000 extra voters are required because it will save somebody a bit of work.

Professor Pattie: Yes, but it will not be at that sort of level.

Chris Clarkson: But it is at the moment.

Q267 Clive Efford: I am not sure which of the two of you I am aiming this question at, but how much does locality and the experience of living in a community influence the way people vote? Does it bring outcomes where people vote collectively in a similar pattern?

Professor Pattie: You heard evidence from John Curtice this morning on this and I would not disagree with him. There certainly is evidence that people are influenced by the context in which they live and by what is happening around them both in terms of the economic and political environment and in terms of the climate of opinion around them. People who in a sociological sense look very similar, but live in different areas, can go in very different ways much more akin to other people within their area. Is it the biggest influence on people's voting? No, probably it is not. Does it have an effect? Yes, it does.

Q268 Clive Efford: Could it lead to frustration? We do not keep clearly identifiable communities with common characteristics integral within parliamentary representation, but their voices could be lost because they cannot vote collectively in response to the experience of living in their particular locality.

Professor Pattie: That is rather harder to argue, to be honest. The extent to which people would see themselves as acting for their local area in a constituency sense is quite a hard one to argue. People have a sense of "my area" [*Inaudible*], but is that the constituency? That is much less obvious.

Dr Rossiter: Over the years, for my sins, I have attended an awful lot of what were local inquiries and I have listened to a very large amount of evidence put forward about local ties. I tend to agree with Professor McLean, who gave evidence this morning, that one person's local ties go in diametrically opposed directions to another person's local ties, depending on their political preferences, so I am not at all upset at the idea that arguments in terms of local ties might take a lower role in the hierarchy. In fact, I think that that is a sensible thing.

What I do think—this also goes back to the previous question—is that where you have got local government boundaries and existing seats, you have inconvenience when you cross those. I listened to the evidence earlier from the person representing the electoral registration officers and I have also heard evidence given at inquiries from Members of Parliament who have repeatedly referenced the difficulties that they have when they have to deal with multiple local authorities. People deal with four, or, as recommended in one of the recent reviews, five local authorities for one Member of Parliament. That aspect of discretion is something that the Boundary Commissions over years and years have shown great ability to recognise. Again, I come back to my point: that is where their discretion and their ability to address those concerns is being curtailed.

Q269 Clive Efford: I was going to come on to that, so you have segued to it nicely. To come within the 5%, or whatever we finish up setting in this piece of legislation, requires either taking a piece of a ward—going to sub-ward level within a local authority area—or going

[Clive Efford]

across that local authority boundary. Would you suggest that it is better to go to a sub-ward level and stay within the local authority area, rather than having constituencies span two or more local authority areas?

Dr Rossiter: Speaking personally, it would depend on the evidence in the particular case. I do not think that one is necessarily better than the other. I have noticed, when we have been looking at this, the significant help that increasing that tolerance by very small amounts will provide. As soon as you go from 5% to 6%, you have a big payback from going up by that one percentage point. That payback increases to around 8%, which is why we came to the conclusion in our previous report that a figure of 8% would be much more helpful. Beyond 8%, the advantage begins to flatten off, because you are reaching a point at which any sensible commission can reach solutions.

In all this, we accept and understand entirely that the 5% introduction was not an attempt to be cussed or anything of that nature. It is simply that 8% and 5% are not worlds apart. If you are able to achieve far more when you adopt one rather than the other, you have to wonder why you would want to go for the lower figure, unless there is some major negativity in that regard. Again, as people who write published papers, we have to do our research, and we have looked for anything that would support 5% in any of the previous discussions regarding the 2011 Act and so on, and we have struggled.

I know you have had reference to the standards related to the “Code of Good Practice in Electoral Matters”, and there seems to have been some confusion over what that says. I am not sure whether that confusion has been sorted out; I was very surprised by what I heard the other day. I think there is probably an understandable source for this confusion, because an

earlier edition of an OSCE publication did indeed say that a 10% tolerance—quite reasonably taken to mean no more than 5% either side of the norm—should be aimed for, but that was never referenced in that version of that booklet; a subsequent edition of that observer handbook has come out, and that reference is no longer in there.

Probably the best statement of what is best in this area is the OSCE’s “Guidelines for Reviewing a Legal Framework for Elections”, which specifically endorses the “Code of Good Practice” and states that proximate equality—no more than 10% between electorates—should be the aim, but interestingly goes on to say that “frequent changes in the boundaries of constituencies should be avoided”.

If we are looking for international standards on this, there is a clear suggestion that going right down to 5% is not necessary, and in so far as it causes change to boundaries, we would not fall foul of OSCE reports. They all seem to find that UK elections fail in one respect or another, but at least we would not fall foul on that.

Clive Efford: Thank you.

The Chair: Are there any other questions from Committee Members to put to our two witnesses? If there are no other questions, I would like to thank Dr Rossiter and Professor Pattie for the evidence you have given us this afternoon. We are very grateful. I am grateful to Members for their cooperation during this virtual session in these somewhat unusual proceedings.

Ordered, That further consideration be now adjourned—
(*Eddie Hughes.*)

4.56 pm

Adjourned till Thursday 25 June at half-past Eleven o'clock.

Written evidence reported to the House

PCB04 Local Government Boundary Commission for
England

