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Public Bill Committee

PARLIAMENTARY CONSTITUENCIES BILL

Eighth Sitting

Tuesday 30 June 2020

(Afternoon)

CONTENTS

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Saturday 4 July 2020

The Committee consisted of the following Members:

Chairs: † Sir David Amess, Ian Paisley

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

Sarah Thatcher, Rob Page, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 30 June 2020

(Afternoon)

[Sir David Amess *in the Chair*]

Parliamentary Constituencies Bill

Clause 12

Extent, Commencement and Short Title

2 pm

Question proposed, That the clause stand part of the Bill.

The Chair: I asked for fans to be supplied to Committee Room 14, and the fans are here. No sooner did I ask for them than the weather deteriorated. However, if anyone is too warm I will arrange for the fans to be shared with anyone who would like them.

The Minister of State, Cabinet Office (Chloe Smith): Sir David, it is a wonderful pleasure to return to the Committee under your chairmanship. I wanted to clarify a point that was raised by the right hon. Member for Warley. He is not in his place now, but I hope it will be helpful to the Committee if I proceed.

The right hon. Gentleman asked how the protected status of Ynys Môn, on which we had an excellent debate this morning, would relate to the allocation of seats between the nations in the calculation of the electoral quota. I can make that clear now. At the start of the boundary review, before any allocations are made, the protected constituencies and their electorate are set to one side, as it were. That happens at the beginning before the national consideration. They are then not included in any consideration of either seat allocations or the calculation of the electoral quota. To illustrate that, with Ynys Môn added to the existing four protected constituencies there will be five in total. Those five will be removed from the overall total number, leaving 645. Their electorates would then be subtracted from the UK total electorate. The remaining UK electorate would be divided by 645, and that would give the electoral quota—the average on which each proposed constituency will be based. That figure is likely to fall somewhere between 70,000 and 80,000. The number of constituencies per home nation—the allocation—is then calculated by the usual method set out under rule 8 of schedule 2 to the Parliamentary Constituencies Act 1986, which also uses the total electorate of each part of the UK, minus the electorate of any protected constituencies in that part. I will talk more about the method for that when we discuss new clause 3, but I hope that in the first instance that addresses the right hon. Gentleman's query, even in his absence.

Christian Matheson (City of Chester) (Lab): My right hon. Friend is also a member of the Defence Committee, and the Secretary of State is giving evidence there this afternoon, so his not being here is certainly no discourtesy.

Chloe Smith: That is extremely helpful to know. As I said once before in this Committee, it is of great benefit that we have such experienced Committee members, including no fewer than two former Secretaries of State, who naturally have other calls on their time.

The final clause of the Bill, clause 12, makes provision with respect to the extent of the Bill, its commencement and the short title. As it relates to the UK Parliament and its constituencies, the Bill extends to England and Wales, Scotland and Northern Ireland. The subject matter is reserved to the UK Parliament, so legislative consent motions from any of the devolved legislatures are not required. The Bill comes into force on the day when it is passed. It is important that it should commence on that day in order to allow the boundary commissions to have legal certainty on the rules, such as the number of constituencies, for the next reviews, which begin formally on 1 December 2020—the review date—and in practice will get going in earnest in early 2021.

As I noted during discussion on clauses 8 and 9, the Bill applies retrospectively in two clauses in relation to Government obligations on implementing the 2018 boundary review and the review of the reduction of seats. The provisions in those clauses are treated as having come into force from 24 March and 31 May 2020 respectively. The short title of the Bill, once it receives Royal Assent, is set out as the Parliamentary Constituencies Act 2020.

Question put and agreed to.

Clause 12 accordingly ordered to stand part of the Bill.

New Clause 1

"Registers used to determine the "electorate" in relation to the 2023 reports

'(1) In rule 9(2) of Schedule 2 to the 1986 Act (definition of the "electorate"), for "The" substitute "Subject to sub-paragraph (2A), the".

(2) After rule 9(2) of that Schedule insert—

"(2A) In relation to a report under section 3(1) that a Boundary Commission is required (by section 3(2)) to submit before 1 July 2023, the "electorate" of the United Kingdom, or of a part of the United Kingdom or a constituency, is the total number of persons whose names appear on a register of parliamentary electors (maintained under section 9 of the Representation of the People Act 1983) in respect of addresses in the United Kingdom, or in that part or that constituency, as that register has effect on 2 March 2020.""—*(Chloe Smith.)*

This new clause inserts a new clause (to be added after clause 6) which provides for the meaning of the "electorate" in Schedule 2 to the 1986 Act, in the case of the 2023 reports of the Boundary Commissions, to be determined by reference to the registers of parliamentary electors as they have effect on 2 March 2020 rather than by reference to the versions of those registers which are published under section 13(1) of the Representation of the People Act 1983 on or before 1 December 2020 (which is the "review date" provided for under clause 7), a prescribed later date, or 1 February 2021 (where section 13(1A) of that Act applies).

Brought up, and read the First time.

Chloe Smith: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss new clause 4—*Definition of "electorate"*—

"(1) The 1986 Act is amended as follows.

(2) In rule 9(2) of Schedule 2 to the 1986 Act, omit the words from "the version that is required" to the end and insert "the electoral register as on the date of the last General Election before the review date."

For the purposes of future reviews, this new clause would define the electorate as being those on the electoral register at the last General Election prior to the review.

Chloe Smith: First, allow me to address the new clause that stands in my name before turning to new clause 4, which stands in the names of the hon. Members for Lancaster and Fleetwood and for City of Chester.

The purpose of new clause 1 is to mitigate a risk arising from the covid-19 pandemic that could affect the successful delivery of the next boundary review. The risk relates to electoral data, namely information on the numbers of electors across the UK. Hon. Members will be well aware that this is fundamental to the work of the boundary commissions. We need the next review, and all reviews, to be based on the most robust form of the data. Under current legislation, the next boundary review would be based on the number of registered electors as at 1 December 2020, following the annual canvass.

As we know, the annual canvass is a large information-gathering exercise that checks and verifies the addresses of registered electors. The boundary commissions generally use the version of the electoral register that follows the canvass because it is the most up to date and accurate available at the start of the review. This year, however, concerns have rightly been raised about whether the operation of the 2020 annual canvass might be affected by covid-19, given that it is a considerable exercise mobilising many staff and contractors over several months. This new clause responds to those concerns and provides for the next boundary review to be based, on a one-off basis, on the number of registered electors at 2 March 2020.

That data represents the most up-to-date electoral registration information available from the point before the impacts of covid became widespread. It will capture the registrations that took place in the run-up to the 2019 general election, subject to any monthly updates that were then also made up to 2 March 2020. As hon. Members may know from other remarks I have made and the letter I sent to the Committee, I have engaged with both parliamentary party and administrator representatives on this issue. It is critical that the next boundary review is not compromised as a result of covid, so I have tabled the new clause.

New clause 4 seeks to change the definition of the electorate to that of the electoral register from the last general election prior to the boundary review. There are a number of reasons why the Government believe this is not the appropriate dataset to use for boundary reviews, and I will lay those out.

First, as I set out when introducing new clause 1, the electoral register is updated through the year. The annual canvass then provides the most comprehensive audit of the electoral register each year. It represents the most consistent and up-to-date picture of how many UK electors there are and where they live.

Secondly, the current approach of using the December registers, the data from which is collected, checked and published by the Office for National Statistics, ensures that the boundary commissions are using officially published data that is up to date, transparent and readily available to all citizens. By contrast, electoral registration officers are not required to published data on the number of electors on the registers of parliamentary electors for general elections. That data is not officially published by the Office for National Statistics, so it could be argued to be more opaque, whereas transparency is helpful.

Thirdly, I think many of us would agree that when we are looking to update UK parliamentary boundaries, it is important that the most up-to-date and robust data is used. Unlike the canvass, general elections do not happen every 12 months—or at least we hope that they do not—and the use of election data could therefore result in boundary reviews being based on information that was considerably more out of date than that provided by the canvass. I will go into that in a couple of ways.

It is unusual for a general election to occur in the second half of a calendar year. 2019 was a notable exception, and I am sure we all reflected on that as we were banging on doors in the rain and the snow. To take a past example, had we used the general election data for the boundary review starting in 2000, we would have been using data from the 1997 general election. That would have been two and a half years out of date at the start of the review, and over a decade out of date by the time the boundaries were first used in an election in 2010.

Let me take this moment to address a few other myths about electoral registers. There are a few areas of tension as to how the registers work, and the arguments can be confusing. I do not think general election registers are always the answer, and I want to address a few of the erroneous arguments that are made. One myth advanced by some is that after a general election people suddenly vanish off the electoral register; as the register compiled for the election is sometimes regarded as the fullest or biggest, people argue that electors have to have been captured at exactly that early moment. I do not think this is the case. It seems to derive from the idea the election registers are more comprehensive as a consequence of the many registrations made in the run-up to a major poll. However, they do not somehow vanish after a poll; they are not lost. Those people remain there, and the canvass that follows any general election will verify that those who registered for that election are still resident at the same address, together with any further registrations that have taken place in the intervening months. If they are still resident, they stay on the register—quite rightly—and are taken into account at a boundary review starting after the review date.

For example, if people registered in the run-up to the 2019 December general election and remained at the same address after the election, they remain on the register. It is as simple as that. Of course the contrary is also true: if they moved immediately after the election, it is only right that the canvass and the monthly updates that follow it highlight that change. Therefore, the fullest register, as general election data is sometimes described, does not stay accurate forever.

Maintaining accuracy and completeness needs to be part of an ongoing cycle. The quality of the register relies on these two elements—completeness and accuracy. One is not enough on its own: they have to be seen together. If a person registers in the run-up to a general election in area A and shortly afterwards moves to area B, it is not right that they stay on the register for area A. Some might argue, I suppose, that for completeness they would stay registered in area A while they also registered in area B, but that is not accuracy. The work of the electoral registration officers, who have responsibility for maintaining complete and accurate registers, is to create a picture that is both as accurate and as complete as possible while, admittedly, accepting that no register can ever be perfect because the population does move.

The Government have been working hard over the years with electoral administrators to improve the accuracy and completeness of the registers. I will take a moment to highlight some of that work. The introduction of

[Chloe Smith]

online registration has made it easier, simpler and faster for people to register to vote, taking as little as five minutes. This also applies in a positive way particularly to people who traditionally found it harder to make an application to register. Working with lots of partners, we have developed a range of democratic engagement resources to promote democratic engagement and voter registration. That is all available on gov.uk. We are also in the process of implementing changes to the annual canvass of all the residential properties in Great Britain that will improve its overall efficiency quite considerably. It will let registration officers focus their efforts on the hardest-to-reach groups, and play an important role in helping to maintain the accuracy and completeness of the register.

I hope I have given a sense of what we are doing to support the best quality data available for the function of the Bill, in the form of the covid 19-related new clause 1. I have also presented some arguments why canvass data is better data to use than the general election data. I also wanted to provide the Committee with a few insights into how we have been working to improve levels of registration in this country, and why we should all agree that that is very important, albeit slightly to the side of the main subject of the Bill. If the Committee wishes me to respond to points that others may make, I will be happy to do so, but I shall pause here and urge that the Government new clause be added to the Bill.

2.15 pm

Cat Smith (Lancaster and Fleetwood) (Lab): I will speak to both new clause 4, which stands in my name and that of my hon. Friend the Member for City of Chester, and Government new clause 1.

I welcome new clause 1, which corrects what I feel would be the error of using December of this year as the basis for the register for our boundary review. Clearly, the covid-19 situation has put huge strain on all our councils and local authorities, which at present are working to support some of the most vulnerable people in our communities. It would be ludicrous to ask them to undertake an annual canvass at a time of such stretched capacity in local government. However, after 20 years of delay, the boundaries must reflect the electorate, with the best possible accuracy, and that means selecting the register that best reflects the reality of the general population of our country.

I would like to use this opportunity to probe the Minister on her choice of the March 2020 register. We are in a unique position, in that just six months ago we had a general election, and before that election we saw a huge spike in voter registration. Indeed, we can see that, since the introduction of individual electoral registration, there tends to be a spike in electoral registrations before major electoral events—the most notable recently being referendums and general elections, of which we seem to have had an awful lot. The Office for National Statistics data for the period between 1 and 12 December 2019 showed that approximately half a million people registered to vote, and electoral registrations increased in 94% of our constituencies. The number of electoral registrations was at its highest level, surpassing the previous peak in December 2012.

I have some concern about the drop-off in registrations between 12 December 2019 and 2 March 2020. We heard evidence that potentially hundreds of thousands of people have fallen off the electoral register during that period. Indeed, in the current context, in which the Government have been very clear that we will not be having by-elections or scheduled elections this year because of the coronavirus, there is not the same impetus for individuals to register to vote.

This is part of a much wider problem around electoral registration, with the Electoral Commission recently—actually, it was almost a year ago—making recommendations to the Government to plug the huge gaps in our electoral rolls. I look forward to hearing the Government's response when that is forthcoming, but we know that about 9 million people in this country are missing from the electoral registers. My concern is to find the most accurate and most complete register possible in order to ensure that every one of our citizens is included within the boundaries that we have at the next general election. New clause 4, in my name, suggests that that register would be the one from the general election, for the reason that I have set out, which is the spike in electoral registrations that we see before major electoral events, in order to ensure that every single citizen in this country who should be counted in the review is counted.

Christian Matheson (City of Chester) (Lab): My hon. Friend has covered most of the points, so I will be very brief. In a sense, I will be asking the Minister only a couple of questions.

My hon. Friend is absolutely right to say that we hit the high water mark at the general election. The Minister has corrected me when I have perhaps claimed too high an increase for the 2017 general election. Nevertheless, there is a surge in registrations that makes a general election register, as I have said, the high water mark and, if we are asking for a snapshot, the most accurate snapshot within, perhaps, a period of nine months or a year either side. In that respect, it is the most accurate register on which to base a set of boundaries.

I wonder whether the Minister can answer a couple of questions—I am not trying to catch her out. First, can she say, given that there is that rush at a general election, what measures a Government might put in place to maintain that high water mark level of registrations? For example, in the past year there was a proposal to downgrade the annual canvass. That proposal actually went through, which I was not happy with at the time, but the Minister was confident it was achievable. We are not going to see that this year, rightly, but what measures could be put in place to maintain that high water mark around a general election? Can the Minister also explain—I think this was touched upon during the evidence sessions—whether any assessment has been made of the numerical difference between the general election register and the register in March that we are going to base this on, and why that difference exists?

Using the March register, as opposed to waiting for more people to drop off the register at the end of this year—potentially 200,000 people—is a very sensible move. I have praised the Minister in the past when she has earned it; this was the right thing to do, and I echo my hon. Friend the Member for Lancaster and Fleetwood in welcoming the change to maintain as high a water

mark as possible in the number of people registered. As she has said, there is a broader debate about automatic registration, but I do not think that is covered in this new clause.

Chloe Smith: I am happy to offer a few further arguments as to why it is misguided to seek to use general election data. Going back to the facts of the matter in December 2019, there are two points I want to make. The first is that the December 2019 general election was an unexpected event, for a number of reasons. That may be a matter of ins and outs for politicians, but for administrators, that is quite a proposition: they have to be able to run an election as requested.

At that time, electoral officers had broadly three options for when to publish their electoral registers—three different options at three different times. Some published in October 2019, just after the election was called, for very valid reasons: they might have seen the benefit of trying to simplify the process of giving each elector their identification number and arranging the printing and postage of poll cards. A second group published on 1 December 2019, the traditional deadline for publication of the revised registers following the canvass. And some published on 1 February 2020, which is the deadline for those who had an election other than the general election in their area during that period—that is, a by-election between 1 January and December 2019. My point is that there are three different times when election officers would have published the registers, so there is no such thing as a single register that provides the silver bullet the Opposition are looking for. I am afraid it is deeply misguided to think there is.

My second point, based on the facts in December last year, is that some registers were swollen, but some were not. The hon. Member for City of Chester will recall the evidence given by Roger Pratt to this Committee:

"Three hundred and eighty-eight seats were actually larger at the general election than on 1 December, but 261…were smaller at the general election".—[*Official Report, Parliamentary Constituencies Public Bill Committee,* 18 June 2020; c. 30.]

Not only is there not a silver bullet, the bullet does not even go in the direction in which the Opposition would like to fire the gun.

Christian Matheson: My understanding, however, is that the overall number of electors always swells to a high-water mark during a general election, albeit there will be some constituencies in which that is not the case, as Mr Pratt advised us.

Chloe Smith: As a matter of common sense, that swelling is likely, and I agree with the hon. Gentleman that people have an incentive to register before an election. It is evidently the case that the demands of an election, where people have the chance to cast their vote and have their say, are an encouragement to registration. I do not argue against that at all; I welcome that. As I said in my earlier remarks, we want to encourage people to register year round, but there is that particular incentive with an election. These facts remain, however, and they drive holes through the Opposition's argument right now.

I am afraid that there is one further point that I need to drive home hard: the hon. Member for the City of Chester should know better than to rehearse the really poor arguments he made about canvass reform when this time last year we discussed the statutory instrument that he mentioned. It was not a downgrade of the annual canvass. He had not done his homework at the time. It was an upgrade of the annual canvass, whereby resources can be focused on the hardest to identify, who, from Labour Members' discourse, we might think they wished to go after. The upgrade also involved looking at where resources should be focused, rather than taxpayers' money being put to poorer use where those resources are not needed. In other words, canvass reform allows registration officers to do a more targeted job of the canvass. That is a good thing. It allows citizens to have a better experience of canvassing, because they are being asked to fill out fewer forms. It allows taxpayers to save money. As the hon. Member for Lancaster and Fleetwood rightly pointed out, every pound in local government is sorely needed at the moment. There should never be an argument for wasting money in local government on an exercise that could be better targeted than it has been in the past. Those are the facts about canvass reform. Furthermore, I am afraid the hon. Member for the City of Chester is incorrect to say that we will not see that this year. We will. If he were in touch with his Welsh Labour colleagues in Cardiff, for example, he would know that it is going ahead this year, and that they rightly support it. Indeed, so do the devolved Government in Scotland, because it is the right thing to do. But enough on the annual canvass; that is not our subject matter here.

The Government strongly believe that the use of the electoral register in the way for which the Bill provides is the right thing to do. I have given comprehensive reasons why the idea of doing it from a general election register is not strong. I urge the hon. Member for Lancaster and Fleetwood not to press new clause 4 to a vote.

Cat Smith: We will be pressing new clause 4 to a vote. The Minister made some good points, and this is an area where we have spent many a happy day discussing the annual canvass and the inaccuracy of electoral registers. In the current cycle, I concede that the difference between the general election register and the March 2020 register is quite narrow because of the timing of the recent general election. However, new clause 4 is designed to deal with future boundary reviews. When a large amount of time has elapsed between the date of the snapshot and a general election, there may be significantly more than hundreds of thousands of people missing from the electoral register, therefore I will press new clause 4 to a vote.

The Chair: Just to clarify, that is not now.

Question put and agreed to.

New clause 1 accordingly read a Second time, and added to the Bill.

New Clause 2

ELECTORATE PER CONSTITUENCY

"(1) In rule 2(1)(a) of Schedule 2 to the 1986 Act (electorate per constituency) for "95%" substitute "92.5%".

(2) In rule 2(1)(b) of Schedule 2 to the 1986 Act (electorate per constituency) for "105%" substitute "107.5%"."—*(Cat Smith.)*

This new clause seeks to widen the permissible range in a constituency's electorate, which may be up to 7.5% above or below the electoral quota calculated in accordance with Schedule 2, paragraph 2(3) of the 1986 Act.

Brought up, and read the First time.

Cat Smith: I beg to move, That the clause be read a Second time.

Moving on from which register to use, new clause 2 is about the percentage variants between constituencies of different sizes. The Bill must proceed by ensuring a fair and democratic review. We want all the new boundaries to reflect the country as it is today, and to ensure that all communities get fair representation. Those boundaries must also take into consideration local ties and identities. Communities have never been stronger than in the recent troubling months. Right across the country, we see communities pulling together to support vulnerable residents. Now more than ever, those community connections must be valued and respected. However, the restrictive 5% quota tolerance in the Bill flies in the face of protecting those community ties.

During the evidence sessions, the secretary to the Boundary Commission for England spoke about the difficulty caused by the smaller tolerance, which makes it

"much harder to have regard to the other factors that you specify in the legislation, such as the importance of not breaking local ties, and having regard to local authority boundaries and features of natural geography. Basically, the smaller you make the tolerance, the fewer options we have."

He went on:

"The only real way to mitigate it is to make the tolerance figure slightly larger. The larger you make it, the more options we have and the more flexibility we have to have regard to the other factors". —[*Official Report, Parliamentary Constituencies Public Bill Committee,* 18 June 2020; c. 7. Q3.]

2.30 pm

Throughout the debates on the amendments and new clauses, and the arguments that have crossed this Committee room, taking account of those other factors has played a central role, from protecting certain constituencies that have specific geographical features to reflecting specific community ties. I joked with my friend from Yorkshire, the right hon. Member for Elmet and Rothwell, but the truth of the matter is that some community ties mean that if we were to move some communities in together, there would be a real difficulty in making that community accept those boundaries as reflecting their community.

The wider tolerance will, by definition, create more flexibility in keeping real communities together, but the tight 5% quota gives the boundary commission a ridiculously small amount of leeway, and will inevitably lead to some ludicrous consequences. An unnecessarily narrow margin will split long-established communities from one another, erode local identities and divide neighbourhoods.

I have done some mathematics on the back of a piece of paper, as they say. Using the 2019 general election register, which is the most recent one published, but will not be used in the Bill, I have worked out which English counties—I have used the counties where we cannot fit an actual number of seats, so you end up with half seats—would be joined together when using a 5% tolerance: Bedfordshire, Bristol, Cleveland, County Durham, Cumbria, East Sussex, Gloucestershire, Lincolnshire, Northumberland, North Somerset and North Yorkshire. However, if that was expanded to a 7.5% variance the following counties would be removed from that list: Bedfordshire, Cleveland, County Durham, Cumbria, East Sussex, Gloucestershire and North Yorkshire. So we would not necessarily need to have those cross-county constituencies. Yes, 7.5% does not solve all the problems, and we will still have cross-county constituencies in a smaller number of seats, but it does go some way to solving the problems that, no doubt, the commissioners will face.

We know that a 5% quota, for example, will cause a particularly acute problem in Wales. Many Welsh colleagues have expressed their concern about the geographical challenges that the quota throws up, with mountains and valleys dividing constituencies. The task of creating constituencies that make sense to the communities becomes extremely difficult.

Ben Lake (Ceredigion) (PC): To illustrate the hon. Lady's point, the old boundary review proposed a new boundary for Ceredigion, north Pembrokeshire and south Montgomeryshire, which would have been 97 miles from one point to the other. I want to emphasise not only the distance, but that there is a continuous range of communities throughout that 97-mile distance. It is very difficult for whoever represents that seat to really represent the constituents in the way they have grown accustomed to.

Cat Smith: My hon. Friend makes a good and articulate point with his own local geography. Indeed, if constituents are perhaps struggling to see the identity of the communities around them, that may lead to people feeling disconnected from what their local MP is doing, because they are not perceived to be a local MP. Constituents may feel that the MP represents a different area, because of the size of some of those constituencies.

My example, also from Wales, is the constituency of Aberavon. The previous boundary review, which was on the 5% variants, proposed to cut through the heart of Port Talbot, separating the town's shopping centre from its high street and cutting the steel works off from the housing estate that was built for its workforce. I spoke to my hon. Friend the Member for Aberavon (Stephen Kinnock) just before we came into the Committee this afternoon. He recalled that when he told his constituents about what the commission had proposed for his community, they fell about laughing and struggled to believe that this was actually true. It was incomprehensible to them that this proposal to split their community down the middle would come from the boundary commission.

Alec Shelbrooke (Elmet and Rothwell) (Con): For my own clarity, was that on the 600 proposal?

Cat Smith: It was. Obviously, the proposals that come out of this boundary review will look different because of the 650 figure. The tight 5% quota, however, still gives the commissioners a great deal of trouble in trying to keep those communities together, to ensure that people can believe that the constituency they are in represents a community.

Christian Matheson: My hon. Friend will recall that two academics in the evidence sessions suggested that the problems in drawing up the constituencies—linking the constituency to reflect its communities—were as much, if not more, because of the tight 5% limit as because of the reduction by 50 seats.

Cat Smith: My hon. Friend must have read ahead in my speech, because this is a point that I will get to—

Christian Matheson: Sorry about that.

Cat Smith: His apology is very much accepted, but my hon. Friend draws me back to the point that I was hoping to make. From the evidence that we heard, experts such as David Rossiter and Charles Pattie agreed that the 5% rule caused significant disruption to community boundaries. Indeed, they concluded that the substantial disruption on the back of the constituencies to be brought in by the sixth review is not entirely due to the reduction in the number of MPs. Their report shows in detail that disruption was caused by the introduction of this new form of national quota with a 5% tolerance.

In addition, many members of the Committee have referred to the Council of Europe Venice Commission "Code of Good Practice in Electoral Matters", which states that good practice is to allow a standard permissible tolerance from the electoral quota of 10%. Internationally, a larger quota is viewed as promoting best practice to secure fair representation. This code also recommends that boundaries are drawn without detriment to national minorities, but the Government's restrictive quota could have serious consequences for national minorities in this country. Councillor Dick Cole from Cornwall stated in his written evidence:

"The UK Government has recognised the Cornish as a national minority. This alone should lead MPs to ensure that the new legislation includes a clause…to protect Cornish territoriality."

We do not have an amendment tabled to do that, but a larger quota allows flexibility for English commissioners to ensure that their proposals respect Cornish identity. Places such as Cornwall might then be able to identify with their seat, instead of the ludicrous Devonwall seat proposal of the previous review, which was met with much ridicule in the Cornish community and, I suspect, in Devon.

That is not just an issue for the Cornish. The UK Government recognise the Scottish, Welsh and Irish alongside the Cornish people as national minorities under the Council of Europe framework convention for the protection of national minorities, which the UK signed in 1985. The act of respecting those minorities will be made all the more difficult by a restrictive 5% quota, which could prevent the boundary commission from being able to keep those communities together. My Welsh colleagues feel very strongly that Welsh-speaking communities ought to be held together, and this would be made easier by having the larger flexibility for the commissioners.

We recognise the need for constituencies to be as broadly equal as possible, but anyone who claims that they truly believe that all constituencies should be equal means that every single constituency must be exactly the same size. I do not believe that anyone in Committee believes that, not least because this morning we had unanimous support for the protection of Ynys Môn, which will come in with a much smaller population than many other constituencies.

The evidence is strong: having wider electoral tolerance will create constituencies that are more representative of the communities that they seek to represent. A move from a 5% variance to about a 7.5% variance is a difference worth about 2,000 electors per constituency. That is a reasonable compromise to ensure that communities are kept together and that constituencies are as broadly equal as possible.

Alec Shelbrooke: I thank the hon. Lady for her remarks on her new clause.

Let me start by being controversial: I believe that the plus or minus 5% should be seen as a matter of last resort, and that the boundary commission should try to do everything in its power to be bang on the money in the middle. Let me develop that argument, and I am willing to take interventions on it.

These figures are not correct, because I have not messed around with the numbers. I am using them just as illustrations. If we take that figure to be 72,165—that is not the exact figure, but I am using it for illustrative purposes—in less than 600 seats, that figure would have been 78,198, of which another 5% would be 3,909 electors. Five per cent. of 72,165 is 3,609, whereas another 7.5% of 72,165 is 5,413. I make those illustrative points because the difference between the 5% on 600 seats and the 7.5% on 650 seats is 1,500 electors more. The difference between 5% and 7.5% on the 650 seats is roughly 1,800 voters. I wanted to lay that out at the start; please do not talk about the inaccuracy of the figures because I know that they are inaccurate, but they are in the ball park.

The Bill provides for the boundaries to be reviewed and set every eight years. We know that there are several cycles going on, with local government reviews, polling district reviews and ward reviews. As my right hon. Friend the Member for—I have already forgotten her constituency.

Mrs Maria Miller (Basingstoke) (Con): Basingstoke.

Alec Shelbrooke: I was going to say Billericay, but I think that is your constituency, Sir David, or was at some point—I am losing my thread. My right hon. Friend the Member for Basingstoke has on several occasions drawn our attention to the planned housebuilding population changes that we all know are going to happen in constituencies. The plus 5% and plus 7.5% variances are open to interpretation about what they actually mean. Are we using them as a starting point, with constituencies at the absolute minimum or maximum to start with, knowing that within a certain time, they are going to be out of the equation?

In Wetherby, which is one part of my constituency, 800 houses are being built, and more are being built further down—a considerable number of houses. Some 5,000 are due to be built in the Leeds East constituency, which neighbours mine. The hon. Member for Lancaster and Fleetwood mentioned North Yorkshire as a council that would not have to cross county boundaries if we went to a 7.5% tolerance. Some 10,000 houses are due to go in just on the boundary with my constituency—that is in just one small part of North Yorkshire—so we know that there will be a large shift in populations in a relatively short period, and certainly in that eight-year window.

Mr Bellringer said in his oral evidence—I think to a certain extent the Committee accepted his argument—that we have to draw the line at some point, so we cannot use in the figures new housing and so on. He was talking about potential ward boundaries; the point being that you have to draw the line with ward boundaries that have already been drawn, and not those that might be drawn.

[Alec Shelbrooke]

Over the eight years, we will see considerable change in population in constituencies. Indeed, the driving force behind a lot of the Committee's conversation has been that the data will be almost a quarter of a century out of date by the next election. That was always going to mean a significant movement in constituency boundaries because of the amount of time that has passed. Should the boundary commission be trying to construct seats within the plus 5% or minus 5% tolerance when, maybe with a year, that seat could be bigger than plus 5% or smaller than minus 5%?

I am not saying that we should change the Bill, but in my view, the boundary commission should try to be bang on the money at around 72,000 or 73,000, depending on the final figures. Surely, if we want a balanced electorate, we should look at how we can make that work over the cycle, so that when large housing developments are built, we tinker and make minor changes in an area every eight years, rather than the huge changes that we are making now.

My constituency has 82,000 electors and Leeds East has 66,000. Those are roundabout figures that vary quite a lot, and 10,000 houses will be built during the next five years. By definition, there will have to be a major change in eight years' time. If we have already bumped right up to the 5% window when forming the initial boundary for the 2024 election, we are talking about elections after 2032. I cannot remember the exact phrase in the Bill regarding when the next review would come into effect. It could be 15 years from now before the next set of figures come in. There would be a lot of time in which there could be huge variation.

2.45 pm

It therefore comes down to the question: does it matter whether it is plus 5% or plus 7.5%? I do not think that we should use the maximums to form a decent shape or size, by using wards that help us add up to that, just to be neat with the maths. We should really say, "There is the tolerance that we understand through international guidance gives you a fair election, but let's try to get these seats bang on the average at this point so that we know, through the cycle of review, that seats across the country will roughly stay within that guidance."

These issues will always be thrown up. The hon. Member for Lancaster and Fleetwood graciously accepted my intervention regarding Aberavon to clarify that it was 600. The reason I intervened on her was because if we are dealing with much bigger numbers it does not really matter whether it is plus 5% or plus 7.5%, because we are still dealing with the far bigger number of 6,000 more voters, by my back-of-a-fag-packet calculation. We had a large scope of where they could be drawn, but of course we ended up with a set of boundaries that did not work.

The hon. Lady gave some very good examples of what is going on in Port Talbot, and about the shopping centre and the high street, and where the people who worked at the steelworks live. They are all very important points, but I am not sure that they are related to the plus or minus 5%. They are actually more related to the arguments that we have been making that the boundary commission really needs to get this right in the first draft. It needs to get it right first time, and look at the communities and understand what it has drawn. It comes back to the arguments that we had earlier about sub-ward splitting and perhaps using postcodes. We keep coming back to it, but Scotland can do it. The great nation of Scotland is more than capable of putting such things together. It is surely not beyond the wit of the English to follow that.

The reality is that we should not push into those areas, or we take a very controversial and different approach. That is really what was happening in the 1940s. If we cannot make it work, for example, with the Welsh question, which we keep developing, do we take the most squeezed constituency in terms of expansion that we could put into the Welsh valleys—let us, for argument's sake, say that it came to 60,000—and reverse the formula and divide 46.5 million by 60,000, which would give us 780 constituencies? I am not sure that the public would flock to us for that one, but it would give us the balance of equality throughout.

We cannot have it both ways. We either set it at 650, recognising what was happening in the 1940s—I think the 1986 Bill was specifically introduced to stop that happening in the way it happened before—or we say, "We will have 650 constituencies and they need to be within tolerance of each other." With the slightly geeky, technical maths that I have used to illustrate the point, I am hoping to say to the Committee that plus or minus 5% or 7.5% is not where our focus should be.

Our focus should be on ensuring that the boundary commission tries to get bang on the money with the average and uses the tools that it already has at its disposal in terms of sub-ward splitting and ensuring that like communities stay together. We have had lots of examples of such communities throughout proceedings on the Bill. That should be the target. Moving the boundaries out by another 2.5% should be an irrelevant argument if we focus on keeping the boundaries in internationally recognised fair and balanced elections over the period of eight years.

The Chair: I call Bim Afolami—*[Interruption.]* Sorry, I call Mr Denham.

John Spellar (Warley) (Lab): Or even John Spellar.

The Chair: Mr Spellar. I do apologise. Just to explain: speeches should alternate between the sides of the Committee, and I was so enthralled by the speech of the right hon. Member for Elmet and Rothwell that I had not noticed Opposition Members.

John Spellar: Thank you, Sir David. I am sure that like me you were trying to cut your way through all the contradictions and inconsistencies that were in the right hon. Gentleman's contribution. Many of the points had considerable value, except that they were not consistent. They were not even consistent with this morning's business. We were talking about being as close as we can be—except, of course, when the seat of Ynys Môn has been won for the Conservative party. I never noticed such interest when it was a battle between Welsh nationalists and Labour for that constituency. An exception, of course, is the Isle of Wight. It is perfectly possible to visit it by ferry, and MPs can go back and forth to it. We need to get as close as possible and we can split wards, and everything else, except of course when it comes to the Isle of Wight, which, on the basis of previous electoral trends—okay, it did go Lib Dem at one stage—is probably going to leave with two Conservative seats.

Then the right hon. Member for Elmet and Rothwell talked about taking account—which, of course, the boundary commission cannot do—of future building development. I think it is appropriate to be able to look forward. However, with a widened area of discretion, constituency A would be able to say, "We will build fairly close to the line." Constituency B might be a bit smaller, because of the reasonable expectation, as long as builders do not sit on the land, that there would be a large number of additional people. Of course, it could not know how many of those would be eligible for parliamentary representation, because in many areas the size of the population does not necessarily match the size of the electoral register, because of the number of people who would not be eligible to be on it.

Alec Shelbrooke: On the point about house building going in, it goes back to the evidence that the boundary commission draws the line at that particular moment; but, again, if it is known that it is coming in, at the moment nothing stops that plus 5% being right up at the limits. Even though building the housing is in a city council's plans, it will, within a year, almost immediately go over the limit.

John Spellar: That is rather my point—exactly. With a wider area of appreciation, it is possible to take account of that. It becomes much more difficult the narrower it is. It also comes down to the size of the building blocks. I think the right hon. Gentleman mentioned that some of his wards are in Leeds and some are in the country. For those MPs who represent rural areas or small towns the wards are quite often 1,000, 1,500 or 2,000. In most of the metropolitan areas they are in the 8,000 to 10,000 mark. In certain areas—not Birmingham, any more, since the change in the boundaries and all-up elections—including in Leeds, for example, my understanding is that the number is somewhere around 16,000 to 19,000. That makes, again, for a sizeable building block.

There is, frankly—and with all due respect to our colleague the hon. Member for Glasgow East—no point talking about Scottish wards, because they are much larger, being based on a single transferable vote system, If, heaven forbid, Conservative Members now seek to move towards STV in the United Kingdom, that will be another issue entirely. However, there is not the same identity of ward members as we have when we must have much wider wards. The idea is to keep, as far as possible, structural organisation for a ward, although there may need to be some minor exceptions. The boundary commission initially crossed borough boundaries as an exception, to deal with problems in London, as I recall. Now, it seems to almost totally disregard such boundaries. That is one reason why the Labour party, unsuccessfully, still wanted to allow Parliament to act as a constraint on the self-fulfilling activities of the boundary commission.

It is enormously important to maintain some sort of coherence and identity. It is not just constituencies that should have geographic and community coherence, but wards as well. There should not be gerrymander-style wards, similar to some American constituencies, which get close to having exact mathematic equivalence but end up being utterly extraordinary shapes and sizes. That is why we should not take note of the Organisation for Security and Co-operation in Europe recommendation to look at size of population, as the United States does, rather than electoral registers. The United States bases its wards on census figures, not electoral registration. In some areas, authorities might be encouraged if they had to focus on electoral registration rather than registration suppression, as happens in a number of states, whipped on by Donald Trump.

For that reason, one probably has to have slight, and probably unjustified and unworthy, suspicions, about the vehemence with which the argument for 5% is being mounted by Government Members. We have been told, both by the Conservative party witness and by Members, that the OSCE report firmly says that the total variation should be 10%—in other words, 5% on either side. They prayed that in aid as justification for their case, but that is not what the OSCE says in its recommendation. It clearly states:

"The maximum admissible departure from the distribution criterion…should seldom exceed 10% and never 15%, except"—

it even says this—

"in really exceptional circumstances".

There are practical reasons in favour of the proposal. We need to ensure the maintenance of communities and prevent considerable inconvenience similar to that experienced as a result of the previous boundary changes. We have heard evidence that 650 seats may or may not make it easier, but these very tight margins make it more difficult for the boundary commission, parliamentarians and, most importantly, the electorate.

Bim Afolami (Hitchin and Harpenden) (Con): I listened with interest to the right hon. Member for Warley and to my right hon. Friend the Member for Elmet and Rothwell. I want to make a couple of points.

Bearing in mind that my party is keen on approving of Democratic Presidents in the US these days, one of my political heroes has always been Lyndon Baines Johnson. When asked about Gerald Ford, who later became President after Nixon's resignation, LBJ said that he was "so dumb he can't even pee and chew gum at the same time." The intention of keeping the 5%, while maintaining relationships between communities within a constituency, is an example of how this Bill and this boundary commission, which I trust and respect, can and will be able to pee and chew gum at the same time.

I found the speech by the right hon. Member for Warley strange as he was, in effect, making the argument for what we have now, which is a wide appreciation of the number, so as to make it easier, so he says, for communities to stay together. I understand that argument. It is not a wholly illegitimate one, but if we take that view and do not trust the boundary commission to get this right, over time—probably quite quickly, bearing in mind the speed of population movements these days—we will get to the same position we are in now. I think there is broad agreement across the House and this Committee that we should take this opportunity to make a change to this system, given that these boundaries have been out of date for 20 years or so. If we are to do so, it is very important that we have a tight margin of appreciation so we can set the dial to make sure every vote counts as equally as possible.

3 pm

The shadow Front Bench spokesman, the hon. Member for Lancaster and Fleetwood, has said that if Members or the Government wanted to make every vote as equal

as possible, we would not have any margin of appreciation at all. That argument is wrong, because that would not enable us to pee and chew gum at the same time. During our debate, not just on this clause but on others, I have picked up from some members of the Committee a distrust of the boundary commission when it comes to getting this right. We have heard about the many slightly bizarre constituencies that have been created, and talked about the effect they can have on our own regions and counties.

John Spellar: Would the hon. Gentleman consider the possibility that it is because we have been through a couple of boundary commission recommendations, and found how inadequate and badly based many of them are, that we distrust them?

Bim Afolami: I was about to agree with the right hon. Gentleman. However, the point of our system is that in response to arguments, the boundary commission changes what it has proposed. Members can correct me if I am wrong, but I think that during either the 2013 review or the 2018 one—as we all know, those reviews were abandoned because the House failed to approve them—almost 50% of the changes that were made were changed in response to submissions, both from Members who were in the House at the time and from other interested parties, including members of the public.

I have no doubt that the boundary commission will make mistakes, but I trust the ingenuity of those people who will be able to challenge it: not just Members, but political parties, members of the public and random geeks who do this sort of thing for fun. I trust that the boundary commission will listen to reasonable representations—particularly those regarding local ties and linguistic points, which the hon. Member for Ceredigion spoke about earlier—and that we can get this right. We need to get the margin of appreciation as tight as possible so that the votes of all members of the public in this country can count equally. That is a very important principle, and one that I support.

David Linden (Glasgow East) (SNP): I am listening very closely to the hon. Gentleman. The Committee has talked at great length about the importance of voters having an equal say. Does he accept, however, that until people in this House are willing to be grown up enough to address the inadequacies of the first-past-the-post system, we are—I do not want to say "unable to pee and chew gum"—putting our effort in the wrong place? Quite rightly, we are saying that we want to have equal voting in constituencies, but we are unwilling to talk about the inadequacies of first past the post.

Bim Afolami: At the risk of straying from the measures covered by this new clause, we can have that debate. I happen to support the first-past-the-post system, but I understand that there are very good reasons for not doing so. However, that is not the place of this Bill. If people wanted another referendum on the voting system, I think first past the post would win, as it did several years ago, but I am perfectly happy to have that debate.

In relation to the point made by the hon. Member for Glasgow East about the inadequacies of first past the post, those who do not like that system need to accept that if one is going to respect local ties and local communities and regard them as important, one cannot at the same time support moving to a system that involves much bigger regions, such as a single transferable vote system, or proportional representation generally. That would negate the original point. There are a lot of things that people say they like about the first-past-the-post system. I am not saying that they like every aspect. For example, there are people in my constituency who vote Green, and it is unlikely that the Greens would ever win in my constituency—although, of course, strange things happen in politics. Those who vote Green might say, "I never get a chance for my vote to count." I appreciate that, but one aspect that people do like about the first-past-the-post system is the fact that community ties are respected and they feel that their Member of Parliament to some degree represents what they feel their community to be like.

We have talked about the difficulties of this. Of course the boundary commission gets it wrong sometimes, but it is up to us, members of the public, political parties and the geeks who do this stuff for fun to try to ensure that the constituencies make sense, because that, I think, is the core of the legitimacy of the first-past-the-post system. And if—this, I suppose, is a warning to the Government or, indeed, anybody else—this whole process were mismanaged and the boundary commission ended up not listening to members of the public, constituencies, Members of Parliament and so on and not making sure that the constituencies did pee and chew gum at the same time, we would get delegitimisation of the first-past-the-post system, because people would not be feeling that they would be voting for a particular Member who represented their community. Therefore I think that it is a point well made.

Clive Efford (Eltham) (Lab): I support the new clause, tabled by my hon. Friend the Member for Lancaster and Fleetwood. I think that we need to go back and listen to some of the arguments that we have heard in this Committee before, but also some of the evidence that we have taken. People have highlighted the problems with 5% and the rigid use of 5%. The hon. Member for Hitchin and Harpenden, who just spoke, really made an argument in favour of more flexibility for the boundary commission, because he was saying, "Let's trust the boundary commission. Let's set the parameters and let it get on with the job."

What the boundary commission clearly said in evidence to us was this. Mr Bellringer, when asked about tolerance of 5% plus or minus, said:

> "It is something that we always used to be able to do in the past and did do on occasion. Prior to 2011, there was not this hard maximum and minimum, but we would still be aiming to keep constituencies within a broad range. Occasionally we would breach that if we needed to, to provide a better holistic solution."—[*Official Report, Parliamentary Constituencies Public Bill Committee,* 18 June 2020; c. 17, Q30.]

The boundary commission was clearly saying to us that it tried to keep within or close to the average, but on the rare occasions on which the local circumstances required this, it would use more flexibility. The argument from the boundary commission is clearly that it would like that flexibility in order to do a good job, and I think we should listen to it.

We have had experience of the 5%. We have just been through two reviews, and the complications and difficulties that the 5% created have given us the opportunity to have experience of that without having to implement it,

fortunately, because Parliament saw reason. We have the opportunity now to correct that flaw in the process and increase the figure. I would suggest 10%, as the OSCE report suggests, but my hon. Friend the Member for Lancaster and Fleetwood has found a different solution to the problem.

We also heard from Dr Rossiter, who has investigated this issue. He talks about the situation where these tight tolerances force the boundary commission to go over local authority boundaries, and he respects the difficulties that that creates for Members of Parliament when representing different local authorities. He also made the point that the discretion of the boundary commission enables it to avoid those situations when putting forward proposals. We thus have evidence from an expert that such difficulties may be forced on the boundary commission the tighter we make the plus or minus above the average.

Dr Rossiter went on to say:

"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."—[*Official Report, Parliamentary Constituencies Public Bill Committee,* 18 June 2020; c. 140, Q269.]

My hon. Friend's proposal is 7.5%, which takes us close to the recommendation. That recommendation is based on expert review of the process of creating boundaries and its impact on local communities.

Returning to a point that I made in a previous debate, I firmly believe that we represent communities as much as numbers of people. Obviously, that has to be met within a certain tolerance. We cannot have a situation in which there is one enormous constituency of more than 100,000 people and one such as mine that is below the average. I also entirely accept that we cannot continue with constituencies that are 20 years out of date, which has led to some of the fluctuations in numbers.

Alec Shelbrooke: The hon. Gentleman said, I think, that he would be happy to go to 10% or 15% on either side. At 20% or 30% difference, these boundaries work, so there would be no need to change them within his preferred tolerances every 20 years.

Clive Efford: I am not sure that that is correct. We have examples of differences in constituency numbers that go well beyond 10%. I would not go beyond 10%, but I accept the 7.5% that my hon. Friend the Members for Lancaster and Fleetwood is putting forward. That is an acceptable figure that would give the boundary commission the flexibility it needs.

We have all experienced elections, in various numbers. I am on my ninth general election now. I do not want to put years on you, Sir David, but you have been through many more. It is clear that sections of our constituencies vote in similar patterns. I would say that that is because there is a commonality about the experience of those communities. When we start to subdivide those communities, their ability to affect an election and gain representation through their vote is diminished. That eats away at the root of the democratic process.

Those who wrongly focus virtually on numbers alone are in danger of undermining that part of the democratic process. More emphasis needs to be placed on location, community and all the common characteristics that make a community, over and above the numbers. However, I accept that there has to be a limit. I would say that my hon. Friend's recommendation is about right.

Alec Shelbrooke: I agree with the hon. Gentleman about the types of community, and Mr Bellringer has given evidence that wards generally reflect communities in an area, and that to split them therefore risks splitting local ties. However, I think the argument falls down around extending the parameters and not splitting wards. We have seen in the past that in order to stay within wards, and to get the constituency to fit within a number, some very strange constituencies get built that do not represent those communities. It comes back to the question: is it about the plus or minus figure, or is it about going sub-ward level to keep communities together, as wards are described as doing? If wards are described as doing that, why would we then bunch a lot of different, disparate wards together to make one constituency? Surely they should be the same.

3.15 pm

Clive Efford: We are talking about plus or minus 7.5%. I agree with the hon. Gentleman about the issue of wards, but Sir David pulled me up because it is not within the scope of this debate. However, I agree that we should look at sub-ward level, particularly where it might avoid having to create a constituency with an orphan ward or community—one single ward coming in from a neighbouring local authority area. If that can be avoided that is very desirable. Again, that would go back to my point that that is why we need flexibility within the boundary commission. We also need more co-operation with local electoral registration officers who have numbers down to street level, so they could clearly do that.

However, I take the point made by the right hon. Gentleman—or the point that he from the Electoral Commission—that where that happens it has to be a community. It cannot just be a few streets from a neighbouring area that does not really relate to the rest of the constituency. It has to be something that it makes sense to take down to sub-ward level. We do not need to worry about polling districts, because we have heard from the Electoral Commission that local authorities carry out a review of polling districts immediately after parliamentary boundary reviews where necessary. Therefore, we do not need to worry about the parliamentary constituency boundary commission creating new areas at a sub-ward level if it avoids other disruption such as going out across other local government boundary areas.

To conclude, we need to provide this degree of flexibility for the boundary commission, which has made a case that that flexibility would help it. We have had expert advice that a tolerance level around 8% is most desirable; and that we get payback from each percentage point we go up from the rigid 5%, which begins to taper off if we go above 8%. I think my hon. Friend has got it right and I urge the Government to accept the amendment.

Chris Clarkson (Heywood and Middleton) (Con): The hon. Member for Eltham said that Mr Bellringer indicated that the boundary commission tries to work as close to the quota as possible, and only varies where there is a good reason. I can only speak from the evidence I recall, which is mostly from the north-west. Our smallest constituency is Wirral West, which is just

[Chris Clarkson]

below 6,000 and was drawn at that size to try to avoid a cross-Mersey seat between the Wirral and Liverpool. The largest is 95,000 in Manchester Central, which was drawn very close to that size at the time because it was expected to depopulate. The commission does not always stay as close to the quota as possible. It sometimes take some very odd logical steps to try and make seats seem cohesive.

Clive Efford: I accept the hon. Gentleman's point, because that is exactly what Mr Bellringer said. He said that as a general rule the commission would try to get as close to the average as possible, but in exceptional circumstances it would try to provide a better holistic solution. The hon. Gentleman is absolutely right, but that is not the norm.

Chris Clarkson: In which case, I invite the hon. Gentleman to look at the 75 seats in the north-west and see how many of them are close to quota, even when originally drawn. Very few is the answer. As a thought experiment I decided to see what would happen if we applied the 2019 electoral figures, which are the most up- to-date ones we have, to the 5%, 7.5% and 10% quotas. As a sample, I took all the seats represented by Conservative Members. Only one seat falls within the 5% quota, which is the seat represented by my hon. Friend for Hitchin and Harpenden. If we extend to 7.5%, we still have only one within quota—again, the seat represented by my hon. Friend for Hitchin and Harpenden. If we get to 10%, two of us—my right hon. Friend the Member for Basingstoke and me—are still over quota.

Looking at the population drift from these seats, it is not that large over a number of years. It is simply that the more the quota is extended simply to try to reduce the extent of change, the more the seats end up disproportionately large. When starting with a 5% quota variant, the maximum difference between the smallest and largest seats is 7,260. That rises to 10,912 on 10%; then 14,551 on 10%; then 21,826 voters based on the OCSE of a maximum of 15%. It is never more than 15%. The reality is that we will see population change in the seats that will be drawn, which is a natural consequence of some areas depopulating and other areas increasing in population. Drawing the quotas as closely as possible to the mean is a way of ensuring that when we review the situation in eight years' time, the variation will not be so severe that radical change will be needed. Obviously, radical change will be required in this review because the information is 20 years out of date. We should aim to get the electorate as close as possible to that mean now, so that in the future we are not having to radically redraw the map every time we come to this exercise.

Christian Matheson: I speak in support of new clause 2, which I tabled with my hon. Friend the Member for Lancaster and Fleetwood. I have really enjoyed listening to the contributions to the debate, but I am concerned about the lack of consistency expressed by Government Members. That is partly in relation to the clause, but also in relation to the clause as it reflects other parts of the Bill. I will try not to stray too far from the clause, and I am sure, Sir David, that you will pull me back if I do.

The right hon. Member for Elmet and Rothwell—who, as always, makes me stop and think—talked about the boundary commission getting it right first time. I suspect that he meant in the first set of proposals as opposed to the former ones. One of the problems is that we cannot always trust the boundary commission to get it right first time. Frankly, there are occasions when it does not get it right the second time. That is why we opposed automaticity in another part of the Bill.

I understand what the right hon. Gentleman is saying, but the lack of absolute confidence—we do have confidence in the boundary commission—might have been expressed in another part of the considerations. The hon. Member for Heywood and Middleton discussed disparities in our own region, and about his seat and that of the right hon. Member for Basingstoke who, I think, has described her seat as being a small market town that has grown and grown over the years. She might wish to correct me. These changes do happen, and it is not simply that the boundary commission chooses to draw much bigger seats. Growth does happen, and for that reason it is projected that south-east England is likely to get extra seats as a result of population shifts.

The hon. Member for Hitchin and Harpenden—I must get it correct—said that the situation was not what we have now, but the new clause does not propose the situation we have now—it is not proposing 10% either way. I listened to my hon. Friend the Member for Eltham suggesting that we have 10%, and my right hon. Friend the Member for Warley suggesting that it is perfectly legitimate to propose that within the OSCE guidelines. However, the new clause proposes a balance between that very tight adherence to the variance of 5% and the need for community interest.

I listened to the debate at Second Reading, and the right hon. Member for Basingstoke, and the hon. Members for Newbury and for West Bromwich West might have mentioned the importance of reflecting community interests. We have all spoken on that subject, and the hon. Member for Hitchin and Harpenden discussed that in a question on first past the post, and spoke about maintaining the importance of community. Many Committee members have mentioned the importance of community, but the lack of consistency comes up when we reject all those arguments in favour of tight adherence. Somewhere, we have to strike a balance.

On this side of the Committee, as my hon. Friend the Member for Lancaster and Fleetwood said, we have accepted the Government's arguments that we must have much more equally sized constituencies. We are asking Government Members to accept, as we strive to achieve that, that the guidance to boundary commissions should say that those community ties—which all other hon. Members have said are important—should be taken into account, so that they get it right first or second time. In this Bill, we do not have the opportunity to call them back if they do not get it right.

This new clause provides balance and a safety valve, as we have discussed regarding automaticity, to ensure that community interests and ties are taken into account. It achieves a tighter tolerance around the average, so that it achieves something of the Government's aim—which is also our aim—to secure more equalised seats, but not going so far that it completely wipes out the community interest. Across the Committee, hon. Members have

talked about that. I will therefore support my hon. Friend the Member for Lancaster and Fleetwood in the vote.

Chloe Smith: What a good debate we have had on this part of the Bill. I think we all knew this would be one of the main dividing lines in the Committee. I am pleased we have been able to air these arguments and discuss what they mean for the Bill and, crucially, for real people—to whom we should anchor our discussion.

As we all know, we are looking at the electoral quota followed by what is stipulated in the existing legislation, namely, that constituencies subject to a small number of exceptions must be between 95% and 105% of that electoral quota. That is the 10% point range. As we know, because we have looked at it comprehensively in Committee, the boundary commissions may then take other factors into account, which are subject to the overriding principle of equality in constituency size.

I do not want to detain the Committee on things we have gone over, but I will underline how far adrift the UK's current constituencies are from that principle of equality. There are some very clear examples in England. Milton Keynes South clocks in at 97,000; Newcastle-Upon-Tyne Central clocks in at 54,000. That is not fair. In Wales, Cardiff South and Penarth comes in at 80,000 constituents, whereas only 43,000 electors get to have their say in Arfon. That is not fair. The Government are committed to ensuring greater fairness by updating parliamentary constituencies to ensure that across the UK votes have the same weight. That is what we care about. That is what we are delivering. That is the right thing to do.

I do not agree with the new clause tabled by the hon. Members for Lancaster and Fleetwood and for City of Chester. I want to make a point about the difference between theory and practice. It is easy for us to bandy about figures such as 5% and 7.5%, which seem theoretical. I pay tribute to the mathematical minds that we have in this Committee. My hon. Friend the Member for Heywood and Middleton is one of the finest, but there are others in the Committee who have a great facility with numbers and have really helped us in these deliberations by looking at what those figures mean when we run them under different scenarios.

Let us remember what those numbers are for. We are talking about people. Those numbers relate to the number of voters. Even the word "electors" might seem a step away from normal people, whom we ought to think of here. These people want a chance of fairness in their democracy and for their voice to be heard as equally as the next person in the next seat or nation in the country. That is the core principle at stake. It is unfair to go far off that average point. It is undesirable and it is unworthy of the people we are trying to do this for. We want to get this right for people who have asked for a change to their parliamentary constituencies. They voted for this as a manifesto commitment of this Government; indeed, it was in all parties' manifestos, as I understand it. That is an important commitment to deliver. We should take that very seriously.

Ultimately, we must take that step away from numbers towards a judgment. The Committee heard evidence from Professor Charles Pattie of the University of Sheffield, who has been studying elections and boundary reviews for more than 30 years, about which we joked with him at the time—he has spent a very long time doing that. His conclusion was that he would certainly endorse the notion of an equalisation rule as the top priority. Dr Alan Renwick took us further in that argument. On the exact percentage that is appropriate, he said that

"numbers around 5% to 10% seem to be fairly standard. There is no answer that an academic can give you as to what is the correct number, but something in that region is appropriate."—[*Official Report, Parliamentary Constituencies Public Bill Committee,* 23 June 2020; c. 74, Q141.]

3.30 pm

Together, those pieces of evidence are important for two reasons. First, they confirm that our proposal in the Bill—the continuation of the status quo—for a 10% range of tolerance is the right thing to do, in the sense that it is standard in relation to comparable democracies and international good practice. Secondly, Dr Renwick underlined that academic research, although important, cannot be a substitute for judgment, decision making and leadership, to which it will come down in the Committee.

We have laid out the arguments, and my judgment—on which I am in agreement with right hon. and hon. Members—is that the specific tolerance level that we have chosen is the right one. It continues what has already been agreed on a cross-party basis in the House in 2011, which put right an accreted set of wrongs where there had not been equality in constituency sizes. I am afraid that I will launch this one at the right hon. Member for Warley: his Government never did this when he was in the Cabinet. It is right that we continue the movement started in 2011 and that is before us today. We want equal weight, updated boundaries and more equally sized seats. I urge the hon. Member for Fleetwood and Lancaster to withdraw the new clause on the basis that it is right to go to 5% as set out in the legislation.

Cat Smith: I thank the Committee for the exchange of views on the new clause. My hon. Friend the Member for Eltham made the point that OSCE recommended a quota variance of 10% either way as reasonable. My new clause, which would provide for a variance of 7.5%, is a compromise. It is reasonable; I am reaching out to the Government in the spirit of working together to come out of the boundary review with equalised constituencies. There is no doubt that they will be more equal, although obviously not bang-on equal, because that would mean that every constituency was of exactly the same size.

The new clause would mean a move towards the equality for which I know we all strive. I do not believe that the Electoral Commission should be drawing constituencies that bump up against the top or the bottom of the quota. Indeed, it should aim to make constituencies as close as possible to bang on the quota, but by doing that, we would not be keeping communities together, but dividing them up. By tabling my new clause with the 7.5% variance, I am striving to find a middle ground where we can balance community ties and constituencies of equal size.

It is not that we do not trust the boundary commission to get that right. It is quite the opposite: we are trying to give the boundary commission the framework to get it right. With a restriction of 5%, we make its job much harder, and we are much more likely to end up with constituencies that divide communities rather than uniting constituencies. The new clause is reasonable. I am striving

[Cat Smith]

to compromise—I would be very happy with 10%, but I recognise that the Government's position is 5%. I aim to meet in the middle, and the new clause is a reasonable attempt to get all parties to recognise the balance between equalising constituencies and recognising that community ties are incredibly important in our one member, first-past-the-post electoral system.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 10.

Division No. 2]

AYES

Efford, Clive	Matheson, Christian
Fletcher, Colleen	Smith, Cat
Lake, Ben	
Linden, David	Spellar, rh John

NOES

Afolami, Bim	Hunt, Jane
Bailey, Shaun	Miller, rh Mrs Maria
Clarkson, Chris	Mohindra, Mr Gagan
Farris, Laura	Shelbrooke, rh Alec
Hughes, Eddie	Smith, Chloe

Question accordingly negatived.

New Clause 3

ALLOCATION OF CONSTITUENCIES

"(1) Rule 8 of Schedule 2 to the 1986 Act (the allocation method) is amended as follows.

(2) After rule 8(5) insert—

'(6) Notwithstanding the allocation of constituencies according to the allocation method set out in rule 8(2)-(5), there must be a minimum allocation of constituencies as follows—

(a) Wales must be allocated at least 35 constituencies;

(b) Scotland must be allocated at least 59 constituencies (including the two protected constituencies); and

(c) Northern Ireland must be allocated at least 18 constituencies; and the allocation of constituencies must be adjusted accordingly.'"—*(Christian Matheson.)*

This new clause seeks to protect representation in the devolved nations by securing a minimum number of constituencies in each of the devolved nations.

Brought up, and read the First time.

Christian Matheson: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to discuss amendment (a) to new clause 3, in line 8 leave out "35" and insert "40".

Christian Matheson: I briefly seek the opinion of the Committee in discussion of the new clause. I hope that its aim is self-evident.

Most of us in Committee—my friends, the hon. Members for Glasgow East and for Ceredigion excluded—would consider themselves to be Unionists and proud to be British. I certainly would. My concern is that, as the Bill stands, the Union will be placed under unnecessary and increased strain, because the three smaller nations will take the larger hit to representation here at Westminster, in the House of Commons.

Historically, we heard in evidence that Wales and Scotland were over-represented in terms of population, but that there were historical reasons why that was the case. As devolution has progressed, we have had a Scottish Parliament and a Welsh Assembly, which on the passage of recent legislation became the Senedd—I look to the hon. Member for Ceredigion for approval of the pronunciation. Powers have passed to the Parliament and the Senedd so that more decisions are taken in Holyrood and on Cardiff Bay. Plenty of decisions, including large national decisions, however, still need to be taken at Westminster, on behalf not just of England but of the United Kingdom.

The important thing now—perhaps more than ever in the 20 or so years since we have had that level of devolution—is to maintain the strength of the Union and of the voices within that Union, in number as well as volume. The hon. Gentleman needs no support in terms of volume, but with number that importance is greater than ever.

I ask Members in the Conservative party—which, I think, is back to calling itself the Conservative and Unionist party—to share my concerns about all the hit being taken by the three non-English nations. We do not know the numbers yet, but we have a good idea and could make an assessment. Potentially, by transferring Welsh voices and Scottish voices to England—theoretically, Northern Irish voices too, although under the current numbers that does not look likely—we could destabilise not just the level of representation but the level of life experience from the nations.

What about areas that are more remote from Westminster? For example, and I have said this to the hon. Member for Ceredigion before, some areas of north Wales feel a little disconnected even from the Senedd on Cardiff Bay, and some areas of northern England and perhaps some in the far west, because of geographical distance, feel a little disconnected from Westminster. The more we disconnect from the national Parliament, the less legitimacy it has, and the less legitimacy it has, the less legitimacy the Union has, I fear. The unintended consequence—I genuinely believe that it is unintended—of the proposal in the Bill to transfer strength and numbers in this place from Wales, Scotland and Northern Ireland to England is that it will damage the Union, and damage the voices within the Union, and damage the experience that all the nations bring to this Parliament.

Mrs Miller: I follow the hon. Member's argument, but surely he should reflect on the fact that Wales did not undergo the changes that it was due to undergo at the time of the creation of the Assembly, which has since become a Parliament. Those changes now have to take place, so that we can deliver the fairness that I know he and I want.

Christian Matheson: I absolutely agree, which is why, to develop my argument and to answer the right hon. Lady directly, the new clause in my name and that of my hon. Friend the Member for Lancaster and Fleetwood does not seek to maintain the current number of constituencies in Wales. We accept—as we accepted,

incidentally, with regard to the previous new clause that we talked about—that there has to be some level of equalisation of constituencies.

That means that Wales and Scotland will lose seats, but in order to manage the different pressures between getting equalisation and maintaining the integrity and strength of the Union and the diverse voices within it, the new clause seeks to maintain a balance by specifying a number of constituencies that is fewer, for example, than Wales has now, but more than it would have if absolute equalisation took place. We are therefore addressing some of the points that the right hon. Lady mentioned, and trying to strike a balance that puts the interests of the Union at the heart of the Bill.

David Linden (Glasgow East) (SNP): I am listening to the hon. Member very carefully. It will come as no surprise to the Committee that for me, as a Scottish nationalist, the strength and harmony of the Union is not something that generally keeps me awake at night; it often helps me to get to sleep. However, there is a point here. I do not want to conduct a debate with the right hon. Member for Basingstoke and the hon. Member for City of Chester, but it is very important for members of the Committee to reflect on the fact that this is not the first chipping away of the strength and harmony of the Union in this place.

The right hon. Lady talked about powers being devolved to Scotland and to Cardiff Bay, but let us not forget that this Conservative Government has introduced such things as English votes for English laws. That in itself has been a way of ensuring that Members of Parliament representing constituencies in England can have their say and has, in many respects, already opened up a second-class or second-tier Member of Parliament. I suggest to the hon. Gentleman that the issue the Committee is considering at the moment is not the first time that we have seen the integrity and harmony of the Union being chipped away, albeit inadvertently, by this Government.

Christian Matheson: The hon. Gentleman makes a salient point. I would suggest that we have English devolution, and if we were logical in these arguments, we would reduce the number of constituencies available in those parts of England where there has been devolution but not in the parts where there has not been. In my own area, for example, we do not have an elected mayor, whereas Greater Manchester—I see the hon. Member for Heywood and Middleton is present—does have an elected mayor.

Chris Clarkson: Will the hon. Gentleman give way?

Christian Matheson: Of course I will. I mentioned the hon. Gentleman, so I could hardly not give way to him.

Chris Clarkson: Following that logical stride, the devolution settlement across the UK has been entirely piecemeal. It is uneven across the United Kingdom and part of the current problem is a result of that. For example, there was a Welsh Assembly, so there was no reduction in the number of Welsh seats in 2005, whereas there was a reduction in the number of seats from 72 to 59 in Scotland. Does the hon. Gentleman accept that this situation is a natural consequence of the poorly executed devolution plan across the United Kingdom, and that now, in the interests of wider fairness, there should probably be a wider discussion about the devolution settlement for England, and each constituency in the United Kingdom should carry the same weight?

Also, does the hon. Gentleman accept as a cautionary tale that when Canada began setting quotas for certain provinces to have a set number of seats, it led to a massive expansion of the Parliament? They added 30 seats two elections ago, simply to try to keep pace with the fact that Quebec had to have a minimum number of seats.

Christian Matheson: To be clear, I was not proposing different sized quotas in different areas. I was just suggesting that that would be the logic of following devolution to the letter, and to the max, in terms of representation at this place. I agree with the hon. Gentleman that we have inconsistency in devolution in the UK. He should take it up, perhaps, with the Secretary of State for Housing, Communities and Local Government, or his successor. *[Interruption.]* I am not going to go there. The hon. Member for Glasgow East is naughty, Sir David, and knows he should not tempt me to go down that route.

There is another issue. Wales and Scotland in particular have different geography and different population levels from much of England, but not all of it. I am thinking of rural Wales and rural Northumbria, for example. Wales in particular is affected by geography—the sparsity of west Wales and areas such as Brecon and Radnor or Montgomeryshire, the geographic barriers represented by the Welsh valleys, the beautiful area of Snowdonia, where, again, I spent much of my childhood, coming over the border. There is also Ynys Môn. The Committee decided this morning that it should be protected, and I supported that and we have been calling for it for a long time. However, that has a knock-on effect for other constituencies, which must themselves deal with issues other than population, such as sparsity and geography, which need to be taken into account. Because the Committee has decided on a tight 5% tolerance, it is even harder to take into account those areas, and the issues are amplified because Wales is losing so many constituencies. The problems mount one on the other. Every decision that the Committee makes puts further strain on the Welsh area in particular and therefore on the integrity of the constituencies and their viability—and therefore on the Union, because of the way they are represented here.

The hon. Member for Ceredigion spoke this morning about a constituency measuring 97 miles from one side to the other. Whoever the Member for that constituency would be—I think that it would have happened under the 600 boundaries; if 50 constituencies were lost with a tight tolerance there might have to be a 97-mile constituency—they could not possibly do justice to such a huge expanse. It would not be fair to them or their constituents. We want equalisation as much as possible and we have had an argument today about constituents being properly served by having the same number of constituents, voters, electors or—the Minister was right—people living in the constituency. Similarly, they will also not be properly served if their Member of Parliament has to cover a constituency that is hundreds of miles wide.

It is the same for Scotland. I remind the Committee that it was previously proposed, as I believe I mentioned on Second Reading, that there should be a constituency that, if it were superimposed on England with one end at the Palace of Westminster, would have its top

[Christian Matheson]

end at Nottingham. It would be impossible to serve that constituency or to give its residents any kind of service.

Ben Lake (Ceredigion) (PC): On the point about the proposed constituency I referred to, over lunchtime I looked to see how it would fare under the new proposed quotas and the 5%. Taking the quota as around 72% we would save about 2 miles.

Christian Matheson: I am grateful to the hon. Gentleman—or in a sense I am not, because I should have liked an answer that put my mind at rest, which his did not. It shows the severity of the problems.

I shall deal with the new clause and then the amendment to it, which is a bit of a cheeky one, if the hon. Member for Ceredigion does not mind my saying so. The new clause tries to seek a balance between the point that the hon. Member for Ceredigion made about equalising constituencies, but at the same time not making the three other nations, other than England, take all of the hit, which in turn will damage the standing of this Parliament and the integrity of the Union. It will also recognise the unique geographical circumstances that Scotland and Wales have in terms of sparsity and geography, and will therefore support whoever is elected in these new constituencies to be able to do a decent job, and will support the residents to be properly represented. A constituency that is hundreds of miles wide is just as bad as a constituency with 100,000 residents. There has to be a balance. I suspect we will not be able to support the amendment tabled by the hon. Members for Glasgow East and for Ceredigion, which seeks to maintain the status quo.

We recognise that we cannot justify maintaining the status quo and therefore upsetting the apple cart of getting that equalisation of seats, but there has to be a balance somewhere to defend the Union, to make viable constituencies, and to be fair to the people who live in those extremely large constituencies. We have achieved that by meeting midway between the current situation and the situation that would happen with the Bill unamended.

Ben Lake: I thank the hon. Member for City of Chester for such a thought-provoking speech. I have thoroughly enjoyed our debate and I am perfectly willing to accept the charge of being a constitutional geek. We have debated a range of issues that really get to the heart of democracy and the questions of representation and what that entails. What the hon. Gentleman touched upon just now is something that we have not had an opportunity to discuss too much in Committee: the different challenges that an urban Member of Parliament might face compared with a Member of Parliament in a more rural constituency. I do not downplay the challenges of either; I simply say that there are different considerations and challenges. Although we might not be able to address some of those challenges in this Bill, I am sure the House authorities will have to do so in future. In the same way that it is unfair for a Member to try to represent a constituency of 100,000 electors, it is quite a behemoth task for a Member to do justice to a constituency that is more than 90 miles wide with a continuous population throughout it.

My point in relation to amendment (a) to new clause 3 —I am also willing to admit the charge of being a cheeky chappie in proposing the amendment—is purely to spark a bit of a debate around how we go about allocating seats between the four nations of the United Kingdom, and more specifically the appropriateness or otherwise of a single UK-wide electoral quota. I am here for the debate. I have my own set of views, which Members have probably already guessed, but the amendment is worth probing and it is worth having a discussion about some of the reasoning behind the single UK quota and, as my hon. Friend the Member for City of Chester also illustrated in some detail, the possible unintended consequences.

There has been a common theme in not only the evidence sessions but in Committee discussions about the question of Wales: the elephant in the room. We cannot deny the fact that Wales, in terms of registered electors, is over-represented in this place. If we take a single UK-wide electoral quota, there is no argument. What I am trying to probe is whether we should apply a single UK electoral quota across the four nations. Points have already been made about the differential nature of devolution across the UK. The hon. Member for Heywood and Middleton correctly pointed out the fact that it has been piecemeal. To quote a famous Labour colleague in Wales, devolution has very much been,

"a process, not an event".

I am glad to get that on the record.

Something that was raised in the first evidence session stuck with me; it was presented by the representative of the Liberal Democrats. He used the line of "no reduction, no further devolution." It made me think about the rationale behind approaching a single UK electoral quota. If I were a Unionist, I would be quite concerned and would stay up at night worrying about the potential consequences of the provisions in the Bill for future boundary reviews, given that they are based on registered electors, when demographics and population change.

The differences in population between England and Wales are illustrative of how things might transpire or are likely to transpire. Between 2001—not quite the precise time of the last register—and the mid-year estimate of 2018, the population of Wales grew by 200,000. That is not a great deal in the broader scheme of things, but it is still an increase in the electorate. I know the point is that population growth in Wales is slower than in other parts of the UK, and it is likely to remain the case that Wales will not grow as quickly as other areas. The consequence of that, should the measures in the Bill be implemented, is that we will be talking about yet a further reduction in the number of Welsh seats at the next boundary review. That is based on the projections provided by the Office for National Statistics—it is a very real likelihood. I hope things will change, but unless we see some drastic changes in demographic trends and migration within the UK, Wales is unlikely to catch up with the pace of population growth.

What does that leave us with? It leaves us with a situation in which the number of representatives who are sent from Wales to this place will initially reduce by about eight—that is the figure that is commonly agreed on for this review. A further one or two seats will then be lost at each subsequent review every eight years or so, such is the disparity in the population growth figures. I am suggesting that, in maintaining 40 Members of

Parliament, we focus on what we do about the nations. How do we tackle this constitutional problem? We are a Union of four nations. Although I completely empathise with and understand the arguments made for maintaining electoral quality as far as possible, I am very conscious of the fact that, to all intents and purposes, we have a unicameral system of elected representation. Yes, the House of Lords could be a vehicle to try to top up the territorial representation side of things, but that is not an issue that is being discussed at the moment in any great detail.

David Linden: At the risk of having a bash-the-House-of-Lords session, which I am sure the right hon. Member for Elmet and Rothwell would enjoy, is there not a case for looking at the situation in the House of Lords—ironically—where certain demographics are protected? For example, there are 92 hereditary peers and 26 clerics. If we can protect particular demographics in the House of Lords, such as clerics and hereditary peers, why can we not do it for the four nations?

Ben Lake: The hon. Gentleman makes a good point, and my views on House of Lords reform are well known. Should we be serious about trying to make the best possible use of a second Chamber, many countries across the world have shown how a second Chamber can be used to top up geographical or territorial concerns. I would like to see the House of Lords reformed in that kind of direction.

I would also be quite happy to explore further whether we need to have some sort of an agreement at this point in time about the disparities between the number of seats for each of the four nations. It is already the case that should there be anything that agitates a lot of popular sentiment in England only, there is a very good chance that it will come to pass and that a majority decision in its favour will happen in this place. That is not necessarily the case for Wales or for the other two devolved nations of the United Kingdom. Although it is unlikely that we will manage to address the issue in the Bill, it is nevertheless something to which we need to give active consideration—I say that as somebody of a particular political persuasion.

The situation in Wales is perhaps slightly different from that in Northern Ireland. The devolution settlement is not as developed and deep as the one in Scotland, or indeed the one in Northern Ireland. There are certain important spheres of policy—policing and the judiciary, for example—that are reserved to Westminster and apply to Wales. That is not the case for my colleagues and friends from Scotland, so there are plenty of arguments why there is still a special case to be made for Wales within an unreformed Parliament. When I say "unreformed", I mean the House of Lords continuing in its current constitutional position.

4 pm

I have covered my main points. I will draw my remarks to a conclusion by asking the Minister how, in the context of this Bill and in the absence of broader constitutional reform, we might ensure in future boundary reviews that there is a certain critical mass of Welsh MPs, and indeed MPs from Scotland and Northern Ireland. If we hold solely to demographics, Wales will probably lose out quicker than the other two nations—we are smaller, and Northern Ireland, of course, is its own case—but those other nations will also suffer in the end. Although I appreciate that the fire is not raging at the moment, I am seeing a bit of smoke, which is something we should give a little more consideration to.

Clive Efford: I rise to speak in support of the new clause tabled by my hon. Friend the Member for City of Chester. This is about representation of communities and making sure that voices are heard through the democratic process. If we were to stick rigidly to the averages as calculated and impose them on Scotland and Wales, the significant loss of seats would make people in those nations wonder, "What is the point in the Westminster Parliament if our representation is diminished by such a degree—if we lose out in this process?" That is the way the public would see it, and that would undermine local representation.

I am prepared to accept that the situation in Scotland and Wales is significantly different from my situation in London and the situation in the rest of England. If we are to represent communities effectively, different numbers may apply, and it may be wrong to make a significant reduction in the number of constituencies, particularly at this time. A minimum threshold below which we cannot go is a sensible proposal. Those who say that they want to protect the Union—the integrity of England, Scotland, Wales and Northern Ireland—should think carefully about what the consequences of this process are, and the message that it sends to communities in Scotland and Wales.

The concept of making sure that we respect communities and local circumstances applies here, perhaps more than anywhere. During this debate, we have heard about constituencies that are geographically quite enormous compared with inner-city ones, in which people within a single constituency live more than 90 miles apart. When people are so distant, that cannot make for healthy democracy and healthy representation, so we have to accept some sort of limit on how large constituencies can be while still remaining a coherent, cohesive community that can be represented. I feel strongly about local representation, the link between a constituency MP and the communities they represent, which is something that Committee members on both sides of the House have referred to. We must give those MPs a racing chance of being able to represent their communities, so we cannot have constituencies that make that impossible.

I have an inner-city constituency, and although it is quite big compared with others, because there is lots of open space in it, I am able to go from one meeting to another; sometimes I do two or three meetings in an evening. That is nigh-on impossible for somebody with a constituency that is spread out over tens of miles—almost 90 miles. There has to be some sort of limitation on distance; we have to be realistic about that, whatever those who are fixed on applying mathematical formulas to this process say. There is an issue about democratic accountability and Members having strong ties to the community that they represent.

When it comes to the Bill's impact on the number of Members of Parliament from Scotland and Wales, we have to step back and be realistic. If we want to maintain the Union, want people to value Westminster as the place where their laws are made, and want them to be well represented, there is a limit to how far we can go in

[Clive Efford]

cutting the number of MPs who come from Scotland and Wales to Westminster, so I support the new clause in the name of my hon. Friend the Member for City of Chester.

Shaun Bailey (West Bromwich West) (Con): It is a pleasure to make my first contribution under your chairmanship, Sir David; I seem to have missed you during our sittings. I want to pick up on the eloquent contributions of the hon. Members for Ceredigion, for Eltham, and for City of Chester. We run the risk of viewing ourselves from within a silo in this place, as if we were the only part of the democratic structure, but in fact we do not operate in a silo. Back in the 1940s, when we started reviewing parliamentary boundaries, we probably were the most significant part of that democratic structure, but of course that has changed.

This links back to the point made about the devolution settlement. Over the past 20 years, electors have got a lot more sophisticated. The hon. Member for Eltham said that people need to understand where their laws are made. Yes, they do, but a lot of people's laws are made not here, but in Holyrood or Cardiff Bay. From the interactions I have had, I know that our electors understand that division in where their laws are made, and how we operate within the structure. There is also the role of local authorities; during the pandemic, we have seen that, and the support that they provide. Speaking from local experience, people understand the difference between the role of their local authority, and my interaction as a Member of Parliament with that local authority.

Clive Efford: I am interested in the hon. Gentleman's line of argument. Is he arguing that the role of Westminster is diminishing in Scotland, and that reducing the number of MPs from Scotland is justified? It seems a strange argument for the Conservative party to make.

Shaun Bailey: I am saying that we have to take a pragmatic approach to how we view our United Kingdom; as a Unionist, I would never say that the role that the hon. Gentleman speaks of is diminished. It would be remiss not to recognise that voters, particularly in the devolved nations, understand the differences I mentioned. We talk about reducing the number of constituencies in areas of the UK; in a way, we have to balance that with the democratic structures that now exist there.

David Linden: The hon. Gentleman makes a thoughtful argument, but I rather feel that he is trying to square a circle. I follow where he is going with his point on the different legislatures that are available. My constituents have a Member of the UK Parliament, a local councillor and a Member of the Scottish Parliament. The problem with his argument is that until fairly recently, they also had a Member of the European Parliament. We are leaving the European Union—certainly not a change that I approve of—and legislative powers are, by and large, coming back from Brussels to Westminster. Under the Bill, those legislative powers will remain in Westminster, and representation for people in Scotland, including in my constituency, is diminished as a result. Can he not see that he is trying to square a circle in respect of Europe's legislative powers?

Shaun Bailey: I see the hon. Gentleman's point. It is a difficult one because it is a good point, but with respect to the line that I am following, I think the scope of what he is saying is a slightly different debate. It is slightly out of the scope of the clause but I see his point and recognise it to a degree. However, as we move into a more—without panicking Front Benchers—quasi-federal system perhaps, there needs to be a wider recognition of how we deal with these quotas. If we look at other systems—take Australia for example—and the way they set quotas between state and federal level, they differentiate. That is just how it goes. It means that areas lose seats and that loss of power is there, but it is made up for by the fact there is a system underneath and they interact with each other. I follow the argument of the hon. Member for Ceredigion, but given where we are constitutionally—I do not want to turn this into a huge constitutional debate because we could do that all day—and I agree that we need to be as pragmatic as we can and review this going forward, I think there is a balance there now with the Senedd and with the Scottish Parliament. I will draw my comments to a close to allow my hon. Friend to talk.

Chloe Smith: It has been another very interesting debate. I am grateful to the hon. Members for Eltham, for the City of Chester and for Ceredigion and to my hon. Friend the Member for West Bromwich West for a thoughtful exposition of a much wider point—much wider than we could hope to do justice to in Committee. We have seen in the arguments, certainly on the Government side of the Committee, the desire to fix a much wider constitutional issue—namely, how England, Scotland, Wales and Northern Ireland should relate to each other. Every single one of the hon. Members who spoke knows that that issue is much larger than the Bill. They also know that it comprises the rest of my portfolio and I would be delighted to speak about it at any other time. Indeed, we will. There are many depths in that work that are acknowledged and being worked upon and about which I am sure we will have many fruitful discussions in the future. I want to do two things today. I want to say a little bit more about why the Bill is not the right place to do that and then I will talk specifically about the merits of the amendment.

The Bill is not the right place to deal with the entirety of the constitutional settlement because, very obviously, it provides for a mechanism for independent boundary reviews, and the constitutional settlement is so much larger than that. This boundary review is, indeed, only for the UK Parliament. The constitutional settlement is much wider. Hon. Members will have heard the Prime Minister's speech today, in which he made a number of passionately pro-Unionist points. He reminds us that the interests of the citizens of the United Kingdom—their security, prosperity, welfare, and all the opportunities we want to come out of the pandemic—are much wider than what we have here today and that he is addressing them. He is seeking to do that and he has set out clearly what he intends to do. Naturally, and as the Minister of State for the Constitution and Devolution, I am in full-throated support of that, but that is not the subject matter today.

Let us focus a little more on what the Bill does. We all want the constituent nations of the United Kingdom to have a powerful voice. That should be the foundation

for all of us in this discussion and I am sure it is. We all want those voices to be heard loud and clear. That is the fair way for the Union to function and to come together in the Parliament of the unitary state. Because that is the only fair way, the new clause does not work. I am afraid to say that it would put inequality and inaccuracy in the way of that Unionist proposition and the prosperity of our Union. If we set in legislation the thresholds proposed in the new clause and amendment (a), we would be cutting into the heart of the idea that votes should be equal, and that would damage the equality between the nations and individual people of the Union.

4.15 pm

On the 2019 ONS data, if we remove the protected constituencies from the calculation, we end up with a difference, according to the thresholds in the new clause, of more than 7,600 electors between the nation with the highest average constituency size—England—and the nation with the lowest. Let me run through those numbers a little further. Two nations of the Union—Scotland and Wales—would enjoy a significantly more generous citizen-to-MP ratio, with approximately 66,000 electors for each MP, than their fellow nations. For Northern Ireland, the equivalent figure would be 72,000 and for England it would be almost 74,000. Hon. Members can see where the problem is. It is not right to put equality for people—individual real people—in the way of a construct that claims to strengthen the Union, but does not do that because it puts inequality in the way of it.

It is not right to see the new clause as striking a balance, in the words of the hon. Member for City of Chester. I appreciate that he was striving to argue that the balance ought to be struck between cutting this loose and allowing it to run, and preserving it as amendment (a) seeks to do. I understand his argument, but it would be inaccurate to do that. Fundamentally, it would preserve an inaccuracy for evermore by putting it into the legislation. It would say, "We are going to take a model that is not tied to the accuracy of population figures, and we are going to preserve that." That is one problem with it. It would also be arbitrary. Let me explain why.

The current method for doing this kind of allocation between the nations of our Union is the Sainte-Laguë method—the pronunciation depends on which particular part of Belgium you go for—which is used to allocate constituency numbers to each of the four nations. It is a widely used mathematical formula and is acknowledged to be one of the fairest, if not the fairest, ways to make allocations like this.

We are only setting the rules for the boundary review and do not have its data, so we cannot precisely prejudge the outcome of the distribution, but the House of Commons Library has given it a good go. It estimates, based on the December 2019 data, that according to the Sainte-Laguë method there would be 18 constituencies in Northern Ireland, 32 in Wales, 56 in Scotland and 544 in England, which adds up to 650. We may have shifted one protected constituency this morning, but that is a very small aspect in the total of 650.

The point is this. That method is the respectable way to do the distribution. The new clause and the amendment seek to say, frankly, that they know better than that method, and I am not convinced that that is the right thing to do. That is an arbitrary stance, and it preserves in aspic that arbitrary decision for evermore. It may be that the motive for the new clause comes from a very good place, but it is the wrong way to go about it, because the Sainte-Laguë method is the better one. It exists and it is ready to be used.

Finally, there has been a common theme in the Committee, which we ought to return to. It is not for us to make this kind of statement. If we believe in the independence of the boundary commissions and that they ought to be led where the evidence takes them—we expect that of them, as they are judge-led, independent and have population data—we should not seek to prejudge that decision in the Committee. That is the wrong thing to do. For that reason, I argue against this new clause. It is the wrong approach. It seeks, however, to address a topic, which is so important that it is bigger than the Bill before us. For those reasons I urge both sets of proposers to withdraw the new clause and the amendment.

Christian Matheson: I am grateful to the Minister and all hon. Members for taking part in an illuminating and positive debate. I was particularly taken by the intervention the hon. Member for Glasgow East made on the hon. Member for West Bromwich West, whose response was honest and positive. I welcome that. The idea of the legislative load being passed back from the European Union yet not having the legislative representation to manage that was a serious and salient point. I hoped the hon. Member for Glasgow East might have made a contribution to further develop that point, but he chose not to.

Chloe Smith: To make a brief correction, which should not detain us further, that is untrue. Those powers are returning to Stormont, Holyrood and Cardiff Bay—quite rightly. If we are referring to common frameworks, I am sure that the hon. Gentleman and the hon. Member for Glasgow East will be intimately familiar with the detail. That is an incorrect representation.

Christian Matheson: I am intimately aware of that. I will take the Minister's advice, because I do not think all of the responsibilities are coming back. Some will go back to the various different Parliaments; others will stay here in Westminster.

Ben Lake: One example would be agricultural policy. While the responsibility for domestic policy will reside in Cardiff, debates about funding—let us be honest, that is an important debate—will be held here.

Christian Matheson: I do not want to take too long, but both interventions were correct. The point is that some powers will go straight to the devolved Assemblies and Parliaments, but others will remain here. We are where we are.

Let me deal with the Unionist point of view first. When England play football, rugby or cricket, I support England, but I am also British and I am proud to be so. I have a sense of identity that tells me I am British. I do worry that the Union will be weakened under the Bill, because people will feel, in the nations other than England, that their voices are being diminished. That bothers me.

The Minister is right: there is a broader constitutional issue here. We are not trying to fix the constitutional issue, but we are trying not to damage it further. I do not want this to become an English Parliament. The

[Christian Matheson]

hon. Member for Glasgow East talks about English votes for English laws, which, let's face it, is a hotch-potch even now. There is a danger that this becomes an English Parliament and is seen as an English Parliament in the nations that are not England. That is my concern.

David Linden: I am immensely grateful to the hon. Member for City of Chester for giving way. It is just interesting to note that the issue of English votes for English laws might have passed hon. Members by. That particular Standing Order has been suspended during the proceedings of the virtual Parliament. I will leave it to the Committee to ponder whether it might be a good idea to bring that back when virtual proceedings end. A lot of people, regardless of whether they are Unionists or nationalists, would think that English votes for English laws is a pretty silly policy in this place.

Christian Matheson: I had not noticed that. You learn something new every day in this Committee. I think the Minister was unfair to characterise this idea as we think we know better. It is not that; it is simply that we are proposing to do the process differently to bring in balance. That is something that I have talked about on this clause and other clauses, and that my hon. Friend the Member for Lancaster and Fleetwood has talked about. We are trying to find a balance between community and numbers and geography and numbers. It is difficult and we have different opinions on it, but it is a genuine attempt to create a balance between the different areas.

It is right that this House and Parliament give instructions to the boundary commissions to go away and do their jobs, and the new clause is about trying to make sure that those instructions are balanced. It was a helpful debate with positive contributions, for which I am grateful. In the light of that, it is not my intention or that of my hon. Friend the Member for Lancaster and Fleetwood to press the new clause to a vote, so I beg to ask leave to withdraw the motion.

Clause, by leave, withdrawn.

New Clause 4

Definition of "electorate"

'(1) The 1986 Act is amended as follows.

(2) In rule 9(2) of Schedule 2 to the 1986 Act, omit the words from "the version that is required" to the end and insert "the electoral register as on the date of the last General Election before the review date."'—*(Cat Smith.)*

For the purposes of future reviews, this new clause would define the electorate as being those on the electoral register at the last General Election prior to the review.

Brought up, and read the First time.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 7, Noes 10.

Division No. 3]

AYES

Efford, Clive	Matheson, Christian
Fletcher, Colleen	Smith, Cat
Lake, Ben	
Linden, David	Spellar, rh John

NOES

Afolami, Bim	Hunt, Jane
Bailey, Shaun	Miller, rh Mrs Maria
Clarkson, Chris	Mohindra, Mr Gagan
Farris, Laura	Shelbrooke, rh Alec
Hughes, Eddie	Smith, Chloe

Question accordingly negatived.

New Clause 5

Highland Constituencies

'In Rule 4(2)(a) of Schedule 2 to the 1986 Act (Area of constituencies) for "12,000" substitute "9,000".'—*(David Linden.)*

This new clause gives further flexibility to the Boundary Commissions to design workable constituencies in the Highlands of Scotland.

Brought up, and read the First time.

David Linden: I beg to move, That the clause be read a Second time.

I am acutely aware of the time and the willingness on the part of all hon. Members to try to get through the remainder of the new clauses in this sitting, so I will not seek to detain the Committee. I appreciate that some Committee members, including me, do not represent a constituency that totals 12,000 sq km, but my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) does.

New clause 5 seeks to initiate some thought in Government about the size of some of the proposed constituencies. In drafting the new clause, I was thinking specifically about the Highland North constituency in the last set of proposals by the Boundary Commission for Scotland. As Mr Martin of the Scottish National party set out during our evidence session, there is provision within the rules for a constituency up to that kind of size, but put simply, such constituencies are increasingly unmanageable. The clause, which is very much a probing amendment, seeks to spark a debate about the size of constituencies we expect Members to serve while providing an efficient service to their constituents. I found myself chuckling in the last debate at the thought of people being outraged at the idea of having a constituency that was only 90 miles long.

As I mentioned earlier, the largest constituency set out by the Boundary Commission for Scotland proposals was Highland North at 12,985 sq km. That is 16.66% or a sixth of Scotland, 65% of the size of Wales, 92% of the size of Northern Ireland, about the size of Yorkshire, 8.25 times the size of Greater London, five times the size of Luxembourg and larger than Cyprus and Luxembourg put together. Indeed, the three largest proposed constituencies, Highland North, Argyll, Bute and Lochaber, and Inverness and Skye, would cover 33,282 sq km.

To put that in context, those three constituencies would cover 42.7% of the area of Scotland, which is an area larger than Belgium. The two constituencies of Highland North and Argyll, Bute and Lochaber would cover an area larger than Slovenia. Those large constituencies would also include several island areas,

which makes MP travel across constituencies even harder. My hon. Friend the Member for Argyll and Bute (Brendan O'Hara) already has five airports in his constituency.

So I have outlined, to some extent, the challenges faced by colleagues in Scotland, which is the motivation for new clause 5.

4.30 pm

The existing rules are guided by the size of Ross, Skye and Lochaber, but they do not properly take into account how constituencies in the highlands of Scotland have to be designed. We have to start in the far north of the Scottish mainland; statute protects Orkney from invasion from the south. Effectively, the Boundary Commission for Scotland currently needs to work a constituency southwards until it reaches 12,000 sq km. At that point, it does not need to meet the UK electoral quota and can up to an extra 1,000 sq km to the constituency. This seems to be forcing the Boundary Commission for Scotland to design constituencies in a particular way, working north to south, until it stops. The new clause is a start to the conversation on this aspect, suggesting that the Boundary Commission for Scotland could stop expanding constituencies at an earlier point.

To paint a fuller picture in the UK context, the Committee might wish to note that the largest constituency by area in England is Hexham and Morpeth, at 3,343 sq km. The largest constituency outside of Scotland is Brecon, Radnor and Montgomery, at 3,624 sq km. However, Scotland has five constituencies of 3,999 sq km or more in an area.

I do not want members of this Bill Committee to view this discussion in the context of the current MP for Ross, Skye and Lochaber. His predecessor, Charles Kennedy, described the situation far more eloquently than I have. Before he left this place, he said that, for 27 years, he had represented the largest constituency in the House, which had twice been enlarged. He went on to say:

> "Having represented three such vast constituencies over the course of nearly 30 years now, I can say that the current one is by far the most impractical. It has to be said that the other two were gigantic and posed particular problems, but there comes a point at which geographical impracticality sets in and nobody can do the job of local parliamentary representation effectively."—[*Official Report*, 1 November 2010; Vol. 517, c. 661.]

Charles Kennedy was right; frankly, these constituencies have become geographically impractical. New clause 5 seeks to remedy that, and I therefore look forward to the Minister's reply.

Chloe Smith: I will keep it brief. I acknowledge the points that the hon. Gentleman has made, and he made them very well and very eloquently. He is right to bring in the experience of, for example, Charles Kennedy. There is no shying away from the fact that there will be large constituencies in a place that has a more sparse population. We have to face up to these issues and to how we can design constituencies accurately.

Essentially, the new clause seeks to achieve an easement, by reducing the impact of a certain rule, and I will just quickly run through that rule. Rule 4 in the second schedule to the 1986 Act relates specifically to constituencies that are geographically very large, and is, in effect, relevant only to Scotland and to the highlands, in particular. It stipulates that if a constituency is over 12,000 sq km and has yet to reach an electorate that is within the permitted variance range of 95% to 105%, the Boundary Commission may propose a constituency that is below 95% in electoral terms. That gives extra flexibility to meet the challenge of very large constituencies. As I said, it is a matter of reality that this matter falls to the Boundary Commission for Scotland. Indeed, the history of this rule involved using the largest constituency at the time to try to set a rule or a cap, so it is all quite specific.

It is not necessary to amend the rule in the way the hon. Gentleman proposes, because it is so rarely used and because the range of constituencies that would approach largeness is so spread out that even his new clause would not make a great deal of difference. I will just explain why.

At the 2018 boundary review, albeit that it was on the basis of 600 seats, the Boundary Commission for Scotland proposed only one constituency; that is the constituency of Highland North, which the hon. Gentleman has argued in this Committee is already infamous. There was only one constituency that exceeded 12,000 sq km. In that case, the additional flexibility provided by rule 4 was not even needed, because the proposed electorate was within the tolerance range.

Although we must not prejudge the proposals of the next boundary review, lowering the threshold to 9,000 sq km might bring additional constituencies in, but it might not, because the previous review was, as I have said, on the basis of 600 seats, and even it brought in only two proposed constituencies that were between 9,000 and 12,000 sq km. Their names—I am going to get my commas and "ands" wrong here—were Highland Central and Argyll. Those are two constituencies, and their names will be in the record.

There is my argument in a nutshell. Because we are dealing with such outliers in terms of size—the square metreage, and not necessarily the population—an extension to the rule is not needed. The sub-outliers, if you like, are still so far down the line from the outlier that even the hon. Gentleman's new clause would not make a great deal of difference. That is fundamentally my point against the new clause.

To come a little more generally to the themes we have seen in the rest of the Bill, a boundary review is a balancing act. We have seen this across several of the new clauses that we have spoken about this afternoon and several of the clauses in the Bill. We have to balance important but competing goals. On one hand, there is the premise of equality, which is extremely important. We have spoken all the way through about the fundamental idea that a vote in the Scottish highlands counts the same as one in the Brecon Beacons, which counts the same as one in the Somerset levels. We have heard witness after witness back up that idea. But on the other hand, we also have to reflect local community ties and respond to specific and varied circumstances.

In this particular case, it is not an easy balance to strike, but I draw the Committee's attention to the real nature of this part of the graph and suggest that it is not necessary to make the change the hon. Gentleman suggests, because the protection is already there through the specific protected constituencies and through rule 4 as it currently exists, which protects very large highland constituencies.

David Linden: I am grateful. This issue genuinely plays on the mind of quite a lot of Members in Scotland, so I am grateful for the opportunity to bring it to this Bill Committee so that people can consider it. At this stage, I will not press the new clause, but I will be giving further thought to it when we come to remaining stages on the Floor of the House. I am convinced that the matter is at least on the Minister's radar. The very fact that she has stood up and shown a degree of understanding of the challenges faced by Members in Scotland is a source of at least some comfort—but perhaps I will bring something back in the remaining stages. On that basis, I will withdraw the new clause for now, but I suspect that we might see it at a later stage of the Bill. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 7

CONSTITUENCY GROUPINGS

"(1) Rule 7 of Schedule 2 to the 1986 Act (Northern Ireland) is amended as below.

(2) In the heading for 'Northern Ireland' substitute 'Constituency Groupings'.

(3) In rule 7(1) for 'Northern Ireland' substitute 'any grouping of five or more constituencies being considered by a Boundary Commission".

(4) In rule 7(1)(a)(i) for 'Northern Ireland' substitute 'the area being considered'.

(5) In rule 7(1)(a)(ii) and rule 7(2) for 'in Northern Ireland (determined by rule 8)' substitute 'being considered for the area'.

(6) In rule 7(1)(b) for 'Boundary Commission for Northern Ireland' substitute 'relevant Boundary Commission'.

(7) In rule 7(2) for 'the electorate of Northern Ireland' substitute 'the electorate of the area'."—*(David Linden.)*

The current Rule 7 is a special rule for Northern Ireland which recognises that with the small number of constituencies allocated, there may be difficulties in using the UK Electoral Quota, which may vary considerably from the "Northern Ireland Quota", calculated by dividing the Northern Ireland electorate by the number of constituencies allocated. This problem exists when drawing constituencies in any grouping involving a small number of seats. It is an arithmetical issue, not one connected with any special Northern Ireland considerations. This amendment therefore extends the potential application of the rule to any constituency grouping of five or more constituencies, with the same conditions as currently apply to the design of constituencies in Northern Ireland.

Brought up, and read the First time.

David Linden: I beg to move, That the clause be read a Second time.

I hope that Members' heads have not been hurting too much in trying to understand this new clause, which gives a discretionary power in certain circumstances to all boundary commissions, when considering a grouping of constituencies, that currently applies only to the Boundary Commission for Northern Ireland when considering those constituencies as a whole.

Boundary commissions have always worked by grouping areas together and designing constituencies within those areas. For parliamentary reviews, areas will be formed by grouping local authorities. Sometimes the initial set of groupings does not work and other things are considered. The Boundary Commission for Scotland helpfully publishes all its minutes at the start of the initial consultation period and, indeed, makes available maps of its rejected proposals as well, so that people can see exactly how it has come to its conclusions.

Let us say that we are designing 10 constituencies in an area with an electorate roughly equal to the UK electoral quota multiplied by 10. We would be able to use the plus or minus 5% variation to its full throughout the area to design our 10 constituencies. A problem arises when the electorate of the 10 constituencies combined represents somewhere between 95% and 105% of the UK electoral quota multiplied by 10, because the scope for variation then becomes very limited, meaning that, to retain the grouping, constituencies will have to be designed with very little scope for numerical variation. That can often lead to what looks like logical groupings being abandoned unnecessarily.

The problem was recognised in Northern Ireland, which was allocated 16 and then 17 seats in the two reviews under the current legislation. Current rule 7 allows the use of a Northern Ireland quota in defined circumstances. The Northern Ireland quota is simply the number of electors in Northern Ireland divided by the number of constituencies allocated. Use of that quota means the full plus or minus 5% variation for constituencies is then effectively reinstated.

To pre-empt what the Minister might say, there was an obscure issue in Northern Ireland in the last review around the point at which the decision to apply the rule was made, which resulted in litigation. I stress that that was very much a procedural issue, which was not relevant to the essential utility of the rule. The problem in Northern Ireland was a numerical one. It is not one in special recognition of the politics there. The numerical problem applies throughout the United Kingdom when we group constituencies, as all boundary commissions do.

I therefore look forward to hearing the Minister's position and her explanation of why what is good for Northern Ireland is not good for all the other boundary commissions when faced with the identical issue. On that basis, I will draw my remarks to a close and listen to what the Minister has to say on new clause 7.

Chloe Smith: Sir David, may I invite the hon. Gentleman to say what his amendment does?

David Linden: I am grateful to the Minister for that. Essentially, I am looking to give as much flexibility as possible to the boundary commissions. That is the idea behind looking at whether we can apply rule 7 to other parts of the United Kingdom. I hope that that gives the Minister a bit of a steer about what I am looking to do with new clause 7.

Chloe Smith: I will do my best. What is puzzling me is why it might be a grouping of five, but if the hon. Gentleman will allow me to speak generally, I can, or perhaps he would like to articulate why it is five.

David Linden: I am happy to allow the Minister to deliberate more generally and look into the numbering. This is a probing amendment.

Chloe Smith: Okay. I will give it my best shot. My understanding is that the hon. Gentleman is trying to extend the rule that works in Northern Ireland and to apply it to the whole of the UK by saying that we could take a grouping of five or more constituencies, whose combined electorate meets a certain mathematical criterion.

I have said it before and I will say it again: the Government are committed to delivering equal and updated constituencies for the UK. We can do that only if the rules set for the boundary commissions allow them to propose constituencies that are equal or as equal as possible. That loops back to many of the nuances and balances that we have spoken about throughout the Committee. I fear the new clause goes in the opposite direction and, in doing so, raises a couple of problems, which I will try to draw out.

Let me start with what rule 7 is for. It exists because of a specific issue arising in Northern Ireland. Of the four nations, it has the smallest discrete group of constituencies. At the beginning of a boundary review, as I referred to earlier, numbers of constituencies are allocated to each nation using the Sainte-Laguë method. As each nation must have a whole number of constituencies, there is inevitably either a rounding up or a rounding down at the moment. For Northern Ireland, that has been likely to mean—and will still be likely to mean—either a rounding up to 18 or a rounding down to 17. The effects of that can be quite significant when you have only a double-digit number like that.

Rule 7 first applies a mathematical formula to assess the significance of the rounding effects. If, as a result of the rounding down, the overall electorate in Northern Ireland is significantly more than might be expected, by taking the UK electoral quota and multiplying by 17—the number of Northern Ireland seats—then rule 7 may come into play if the Boundary Commission for Northern Ireland judges that is necessary in order for it to adequately perform a boundary review. In those circumstances, rule 7 then allows the Boundary Commission for Northern Ireland to apply a more generous electoral quota variance range, that range being ascertained through a second mathematical formula. I apologise for the level of detail, but I wanted to set out what rule 7 does before going any further.

4.45 pm

I turn now to whether rule 7 could be extended, through this new clause, to any grouping of constituencies, and whether that should be five or more constituencies. If I understand the new clause correctly, it suggests that if the combined electorate of any grouping of five or more is greater than the UK electoral quota by more than one third—in other words, around 25,000 electors—then rule 7 should apply by taking that electoral quota and multiplying it by five. In that instance, the boundary commission in question could then apply a more generous variance range.

I have three points to make about the new clause based on that. First, it could engender some controversy around how the constituencies are selected. That is my core concern and why I, perhaps unfairly, put the hon. Gentleman on the spot as to why he chose five as his number of constituencies. I foresee huge issues in how any five could be put together, as well as calls for a different five to be combined or for groupings of any kind to enjoy the added flexibility. I am unsure whether that would provide the most transparent and satisfactory experience for the electorate, and making boundary commissions subject to such calls and controversy would also put them in a difficult position.

Secondly, boundary commissions could differ in their application of any such rules. Depending on how a grouping was picked, there would invariably be differences in their judgments and, again, those judgments could be challengeable or appear arbitrary or unfounded. All told, compared with the status quo, that would add more complexity and offer less confidence in the work of the boundary commissions, which would be a bad thing.

My final point relates to the central argument that having equal votes really matters. The new clause opens up the possibility of that being chipped away at once again. I am sure that any application of rule 7 under this new clause could be justified locally, but each case would be likely to result in constituencies that would be outside the tolerance level set by Parliament for the rest of the country, and that matters. Unequal constituencies mean unequal votes, unfairness and poorer treatment for some citizens. This Bill and its parent Act contain a limited number of exceptions, which we have discussed in some detail in Committee, but this new clause does not represent a good argument for another one. It could create a bit of a free-for-all, and I am not persuaded by it.

I thank hon. Gentleman for tabling the new clause, which has elicited an interesting exchange, and I hope that my response has done it justice, but I urge him to withdraw it, and the rest of the Committee may feel the same way.

David Linden: While I am tempted to try to give everyone on the Committee a migraine, I probably will not press the new clause to a vote, but I am glad for the opportunity to have this debate and to explore some of the issues.

I have heard Committee members talk often about equal votes and equal constituencies but, as I said in response to an hon. Member whose name and constituency escape me, we are perhaps having that debate in a silo, because we are having it without cognisance of the unfairness of the first-past-the-post system. The Minister just mentioned equal votes and equal constituencies, but look at the constituency of the right hon. Member for Knowsley (Sir George Howarth). He has the largest majority in the House. He took 80.8% of the vote and has a majority of 39,924. That is great for him. I suspect he goes to his count and watches his votes being weighed. It makes the point that if we are going to have a conversation about equal votes and equal constituencies, I do not know if we are starting at the wrong end.

Coming back to my new clause 7, it was an opportunity to try and kick a bit of debate about, but it is probably best not to do that at about ten to five in the evening, when we have already done five or six hours in Committee. I am glad we had that opportunity but I will not put the new clause to a vote. I will consider whether I want to go down that slippery slope when we come to the next stage of our proceedings, although I suspect the appetite for that will be fairly small.

I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 8

BOUNDARY RE-ALIGNMENT

"(1) Where—

(a) existing parliamentary boundaries when originally recommended by the relevant Boundary Commission contained an element of alignment with a local authority area boundary; but

(b) as a consequence of a local authority area boundary review these boundaries have ceased to be aligned; and

(c) the number of registered electors affected by the local authority area boundary change was not more than 1,000;

the relevant Boundary Commission may submit a report recommending the re-alignment of the parliamentary constituencies affected to the new local authority area boundary.

(2) The procedure in Section 4 applies to orders following a recommendation under subsection (1), as it applies to orders following reports of the Boundary Commission under Section 3, with any necessary modifications."—*(David Linden.)*

Local authority area reviews typically happen when a new housing development is built on an existing local authority boundary. The review might mean that a whole development is moved in to one authority, or other aligning changes. Without a parliamentary boundary change, this can mean a small number of electors from one local authority being in a constituency otherwise wholly within another local authority. This amendment gives a power to re-align parliamentary boundaries with the new local authority boundary where no more than 1,000 electors are affected. If there are more than 1,000 electors, then the boundary would be for consideration at the next periodical review. As the local area boundary would itself have been subject to local consultation, a further statutory public consultation in relation to the parliamentary boundary is not proposed. The relevant Boundary Commission could carry out such informal consultation as it considered necessary.

Brought up, and read the First time.

David Linden: I beg to move, That the clause be read a Second time.

This new clause is slightly easier to understand. It seeks to deal with a specific situation that arises when local authority areas are redrawn and relates not to wards but to other electoral divisions within those local authority areas. Members will see that I have listed a registered interest as the Member for Glasgow East, and I will explain why as I develop my speech.

Unlike wards, local authority areas are not periodically reviewed. The justification for a local authority area review is usually when new houses have been built over a local authority boundary, although there can be other triggers. For example, the construction of the Edinburgh bypass resulted in one farm moving from Edinburgh into West Lothian.

Sometimes areas are redrawn without any voters being affected. I understand that principal area boundary reviews elsewhere are similarly unusual and not conducted on a periodic basis. The local government boundary commission for Scotland has only carried out 10 local authority area reviews since we moved to unitary authorities in 1995. As luck would have it, two of those reviews, conducted in 2010 and 2019, affected my own constituency, and it is for that reason that I registered a specific interest in relation to this new clause.

Constituencies where there are a small number of electors in one local authority area present additional difficulties for returning officers in co-ordinating elections. They also cause issues in relation to representation. If a constituency is equally divided between two local authorities, the MP will be able to maintain a good working relationship between both sets of local authority officials and, importantly, so will their staff. If only a very small number of constituents are from one local authority, those relationships will not be established in the same way. I reflect on that particularly as someone who represents both Glasgow and North Lanarkshire.

The Parliamentary Voting System and Constituencies Act 2011, combined with the Fixed-term Parliaments Act 2011, anticipated a world where we would have elections every five years and boundaries reviewed before each election. I think some us probably wonder what on earth happened to that. With a model of the five-year elections and reviews every election in mind, the Parliamentary Voting System and Constituencies Act abolished the idea of interim reviews. In the past, interim reviews of UK parliamentary constituencies were a check on whether more minor changes should be made to constituencies between the major periodical reviews. With constituencies being reviewed before each election, that process essentially became unnecessary.

The Bill looks to having reviews every two Parliaments or so. We never know when the next general election will happen—with this Government, that is fairly clear as they are looking to repeal the Fixed-term Parliaments Act 2011. Therefore, that brings back on the agenda the need to be able to set out the consequences of local authority area reviews.

My Scottish Parliament colleagues will have their constituency boundaries revised in time for the elections next year because Boundaries Scotland, as it is being renamed, retains an ability to conduct interim reviews. The 300 electors affected by the last local government area review in my constituency will move into a different Scottish Parliament constituency in May '21. The electors affected by the earlier review were already in their correct constituency. The new clause does not attempt to bring back interim reviews, but to ensure that in those rare instances where there has been a local authority boundary change that can be reflected in the UK Parliament constituency, as it can be in the Scottish Parliament constituency as a result of the powers exercised by Boundaries Scotland.

The new clause contains a tightly drawn power that can only be used where a limited number of electors are affected by an area review. I would be happy to discuss further with the Minister the appropriate number, but in practice most area reviews involve considerably fewer electors. I hope the Minister therefore appreciates that the new clause is confined to very specific circumstances and is not an attempt to reintroduce interim reviews, and that on that basis the Government will support it.

Chloe Smith: I appreciate the way that the hon. Member for Glasgow East has framed the new clause—that it is not quite the same as the old policy of interim reviews but is a new policy for our times. I appreciate the way he put that. I understand the arguments he makes, but I argue that the new clause is not needed, and I will begin by looking back at what the old policy of interim reviews actually did, just to give us that context.

As I understand it, the new clause would give a boundary commission discretion to submit a report in between boundary reviews that recommends the realignment of existing parliamentary constituencies with a local authority area boundary that has ceased to be aligned with those constituencies owing to a local authority boundary change. The hon. Gentleman has been careful to try to temper that discretion by saying that it should only apply to 1,000 electors and, in effect, try to tackle the problem of orphaned electors who perhaps find themselves in a neighbouring constituency

to the one they had expected to belong to. I think that the effect of this change would remain quite close to that of interim reviews and, for comparison, I will set out what those used to do.

Before the Parliamentary Voting System and Constituencies Act 2011, the boundary commissions had discretion to carry out interim reviews of particular constituency boundaries. They could, for example, take into account intervening changes to local authority boundaries or to a number of registered electors that affecting the boundaries of existing parliamentary constituencies in a particular area. Provision for this was removed under the 2011 Act. It was thought unnecessary because, as the hon. Gentleman outlined, general reviews would then be held every five years.

Under the Bill, reviews will be held every eight years, so I argue—as the Committee accepts—that boundaries will be reviewed and updated regularly. That is sufficiently regular to make interim reviews not needed, so we have no need to return to that old policy. I have concerns about both the policy of interim reviews and the proposed policy which, even though the hon. Gentleman has tried to minimise disruption, would still be fundamentally disruptive, hitting local communities and their relationship with their representation in this place.

We should also accept the fundamental truth that the different governmental boundaries that criss-cross our country will never be fully aligned; it will inherently be a moving picture, and it will never be possible to align all of them at any one time. It is hard to put in place a policy that tries to align a small bit of that while acknowledging that the rest keeps evolving. Boundaries change all the time, owing to population shifts and the growth of new housing settlements. The point of a boundary review is to try to control for that by taking a snapshot in time, once every eight years, and saying that that is the point at which there will be changes—there will not be ongoing, perpetual change, but change at a key point in time.

I also do not think it cost-effective to keep going for that perpetual change. I appreciate the arguments that have been made, including the minimisation argument inherent in what the hon. Gentleman has tabled. However, there is a practical argument against asking the boundary commissions to effectively chase their tail and go after something that could move perpetually between those eight years or something that does not always come to fruition. The point has occasionally been made in the Committee about how to treat housing developments. That certainly ought to be accommodated in boundary reviews—that is the point of regular enough ones to do that—but it is also the case that sometimes housing developments do not come to fruition. Had that policy wrongly predicted a settlement, ultimately public money would have been wasted in getting the boundary commission to look at it.

5 pm

The new clause is not a proportionate suggestion to deal with what might affect only a small number of electors, given the context that local government boundaries change and keep moving all the while. Indeed, when we widen that argument slightly, there are the boundaries of the devolved legislatures as well as of local government. With all the tiers of government that we have in this country, we all know that many do not always perfectly align. I therefore do not accept the argument that we ought to be trying for alignment just in this small pocket.

I hope that is a helpful reflection on the new clause of the hon. Member for Glasgow East. I have taken it seriously enough to try to distinguish it from the previous policy of interim review, and to take it on its merits. I wonder whether I might be able to persuade the hon. Gentleman to withdraw the last new clause of the day.

David Linden: I have never felt so powerful as I do right now. I am grateful for the Minister's response. This was a probing new clause. The issue has dominated my email inbox since I was elected in 2017—there is a lovely little area in my constituency called Stepps, by Cardowan, where the good people vote highly for the SNP actually, but that is by the bye. I was keen to spark some thought in Government, but when drafting the new clause, I feared that putting the number at 1,000 electors would frighten the Government off a little. I will reflect on what the Minister has said.

At one minute past 5 o'clock, I will allow the opportunity for the hard-working Clerks and *Hansard* staff to get some respite. As this is the last opportunity I will have to say anything in Committee, I also thank you, Sir David, and Mr Paisley for your forbearance in what have been long-drawn-out proceedings. I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 10

PROTECTED CONSTITUENCIES

'(1) Schedule 2 to the Parliamentary Constituencies Act 1986 is amended as follows.

(2) In rule 6(2), after paragraph (b) insert ";

(c) a constituency named Ynys Môn, comprising the area of the Isle of Anglesey County Council".

(3) In rule 8(5)—

(a) in paragraph (b), for "6(2)" substitute "6(2)(a) and (b)", and

(b) after paragraph (b) insert ";

"(c) the electorate of Wales shall be treated for the purposes of this rule as reduced by the electorate of the constituency mentioned in rule (6)(2)(c)".

(4) In rule 9(7)—

(a) after "6" insert "(2)(a) or (b)", and

(b) after "2011" insert ", and the reference in rule 6(2)(c) to the area of the Isle of Anglesey County Council is to the area as it existed on the coming into force of the Schedule to the Parliamentary Constituencies Act 2020".'—*(Mrs Miller.)*

This new clause adds the parliamentary constituency of Ynys Môn to the list of protected constituencies in the Parliamentary Constituencies Act 1986 and makes other consequential changes to that Act.

Brought up, read the First and Second time, and added to the Bill.

Question proposed, That the Chair do report the Bill, as amended, to the House.

Chloe Smith: I thank you, Sir David, and Mr Paisley for all of your work in chairing this Committee. We have all appreciated your clear chairmanship and good humour. I also thank the Clerks and all House staff

[Chloe Smith]

who have made it possible to do a Bill Committee in these new circumstances. They have been most diligent. Also, many thanks to the witnesses who joined us and gave helpful evidence on our journey in Committee.

Finally, I thank all our colleagues in this room. I will pick on my two silent Friends who do not normally get a great deal to say in Committee, but I say it for them, so I thank my hon. Friends the Members for Walsall North and for Loughborough for their contributions. I thank all the parties represented here for the excellent quality of their debate and for the probing discussions we have had—in the witness sessions, as well, when we heard from other parties.

We have covered all the issues in the Bill comprehensively, with ample time to do so. I am pleased that we found common ground on the need to provide equal and updated boundaries for the representation of all the communities in our land.

Cat Smith: I want to put on the record my thanks to you, Sir David, and to Mr Paisley for chairing our proceedings in this Bill Committee. I also thank the officials for supporting our work, and members of the Committee for their contributions. I thank the Minister for her positive and thoughtful contributions.

This has been a first for me—the first time that I have made it to the end of a Bill Committee without giving birth. It is a great pleasure that this Committee did not go on as long as some of the others that I have briefly taken part in. I thank the Committee.

The Chair: I thank the three colleagues who have just spoken. Mr Paisley and I are both extremely susceptible to flattery, so we are very grateful for your kind remarks. I extend my thanks to all the officials, the *Hansard* writers and the Doorkeepers for all their support throughout the Bill. I thank all members of the Committee who have scrutinised the Bill to their full ability and who have coped with these rather unusual proceedings extremely well. Most of all, I thank our Clerk, whose wise counsels have prevailed throughout our proceedings.

Question put and agreed to.

Bill, as amended, accordingly to be reported.

5.6 pm

Committee rose.

Written evidence reported to the House

PCB07 Councillor Julian German, Leader of Cornwall Council

PCB08 Aaron Fear

PCB09 Boundary Commission for England (follow-up from evidence session)