



House of Commons  
Welsh Affairs Committee

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# The implications for Wales of the Government's proposals on constitutional reform

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First Report of Session 2010–11

*Report, together with formal minutes, oral and  
written evidence*

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## The Welsh Affairs Committee

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## Summary

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The Parliamentary Voting and Constituencies Bill will have a greater impact on Wales than any other nation of the UK. Wales is projected to lose ten of its forty parliamentary seats, a reduction of 25%.

We agree with the principle that all votes should have equal weighting. However, equalisation between constituencies is only one of a number of factors to be taken into account when deciding constituency boundaries. The unique geography, history and communities of Wales must not be ignored when the Boundary Commission undertakes its review.

The decision to hold a referendum on a change to the UK voting system on the same day as elections to the National Assembly for Wales might result in a number of problems for electoral administrators. However, these problems should not be insurmountable if rigorous planning is made. More problematically, we are concerned that the number of complex political decisions that the people of Wales will be asked to take next Spring means that there is a risk that they will not each receive the attention they each deserve.

More generally, we are disappointed at the pace at which the whole package of constitutional reforms is being legislated and implemented. The provisions of the Bill will have profound consequences for the UK Parliament and for Wales in particular. We are equally disappointed that the Government has decided to timetable the Bill through the House of Commons without adequate opportunity for fuller scrutiny. We regret very much that the Secretary of State for Wales did not make allowance for a meeting of the Welsh Grand Committee so that Welsh interests in the Bill could be considered in depth.



# 1 Introduction

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## The Parliamentary Voting System and Constituencies Bill

1. Following the crisis of confidence in the Commons arising from the expenses scandal of 2009, there were calls for a transformation of politics. Some proponents of reform argued this could be helped to come about by reforming the electoral system for the Commons. Following the general election in May 2010, the Coalition Agreement between the Conservative Party and the Liberal Democrats had contained a pledge to bring forward a Bill on electoral reform “which includes provision for the introduction of the Alternative Vote in the event of a positive result in the referendum, as well as for the creation of fewer and more equal sized constituencies”.<sup>1</sup>

2. On 22 July 2010, the Deputy Prime Minister, the Rt Hon Nick Clegg MP, presented the Parliamentary Voting System and Constituencies Bill to the House of Commons. The Bill has two parts. Part One provides for a referendum to be held, on 5 May 2011, on whether to change the voting system for United Kingdom parliamentary elections from the current “First Past The Post” system to an “Alternative Vote” system. Part two reduces the number of parliamentary constituencies in the United Kingdom from 650 to 600; and requires each parliamentary constituency, subject to two exceptions, to contain the same number of registered voters, within a 5% margin.

3. The Political and Constitutional Reform Committee has published two Reports on the general principles of the Government's proposed reforms with the intention of informing the House during consideration of the Bill in Committee.<sup>2</sup> Our Report does not consider the merits of the Government's proposals in general. Our intention is to highlight concerns about how the Government's proposals will affect Wales in ways distinct from the overall picture for the UK.

4. Both parts of the Bill have significant implications for Wales. First, the proposed date of the referendum on a change to the UK voting system, 5 May 2011, is the same date as elections to the National Assembly for Wales (NAW), and would take place only two months after a referendum in Wales on granting further powers to the National Assembly.

5. Second, the reduction in the number of Members of the House of Commons proposed by the Bill would affect Wales more than any other part of the UK; the evidence we have received suggests that Wales would lose at least ten of its forty MPs, a 25% reduction (in comparison to a 17% reduction for Northern Ireland, 16% for Scotland and 5% for England).<sup>3</sup> An almost inevitable consequence is an end to the link between UK Parliament constituencies and NAW constituencies, established in the Government of Wales Act. At present the Assembly comprises 40 Members elected by “First Past The Post” from constituencies which are the same as those for Westminster, plus 20 “list” Members elected

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1 “The Coalition: our programme for government”, <http://programmeforgovernment.hmg.gov.uk>

2 Political and Constitutional Reform Committee, First Report of Session 2010-11, *Parliamentary Voting System and Constituencies Bill*, HC 422 and Political and Constitutional Reform Committee, Third Report of Session 2010-11, *Parliamentary Voting System and Constituencies Bill*, HC 437

3 Ev 23

regionally. In order that the NAW does not experience a corresponding reduction in Members, Clause 11 of the Bill decouples the constituencies for the Assembly from those at Westminster.

6. On 27 July 2010, in the light of these implications for Wales, we announced our inquiry. We received written evidence from a number of individuals and organisations and took oral evidence on 14 October from Mr John Bader, Commissioner, Mr Paul Wood, Commissioner, and Mr Edward Lewis, Secretary, Boundary Commission for Wales; Mr John Turner, Chief Executive, and Mr Philip Johnson, Chairman, Welsh Branch, Association of Electoral Administrators; Mr Lewis Baston, Democratic Audit; Professor Richard Wyn Jones, Wales Governance Centre; Mr David Jones MP, Parliamentary Under-Secretary of State for Wales; and Mr Mark Harper MP, Minister for Political and Constitutional Reform, Cabinet Office.

7. This Report and the evidence we publish with it, is intended to inform the House in its deliberations while the Bill is in Committee and before it receives its Third Reading and Report Stage. Given the time available, it is inevitably short.

## 2 Holding a UK-wide referendum and elections to the National Assembly for Wales on the same day

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### The practical implications

8. Part 1 of the Parliamentary Voting System and Constituencies Bill makes provision for a referendum to be held on whether to change the voting system for UK parliamentary elections on 5 May 2011, the same date as elections to the National Assembly for Wales are required, under the Government of Wales Act (GoWA), to take place.

9. The Coalition Government argues that:

combining the referendum with these elections makes sense, both practically and financially. Combining elections is not unusual and such a move is likely to increase voter turnout, which is to be welcomed.<sup>4</sup>

10. The Electoral Commission states that “it should be possible to deliver the different polls proposed for 5 May 2011 if the key practical risks to the successful conduct of the scheduled elections and a UK-wide referendum are properly managed”.<sup>5</sup> The Minister for Political and Constitutional Reform, Mr Mark Harper MP, maintained that work was ongoing in conjunction with electoral administrators across the UK to make sure that “practical and sensible” arrangements would be in place.<sup>6</sup>

11. However, the Welsh Assembly Government (WAG) has opposed holding the referendum on the same day as the people of Wales choose their Assembly Members.<sup>7</sup> Plaid Cymru reinforced this view, listing concerns including “the number of ballot papers and confusion amongst the general public, difficulties in having a full and clear debate on each issue to be voted upon, administration difficulties for electoral services departments in councils, and the ability to process electors at busy polling stations during peak periods”.<sup>8</sup>

12. John Turner, Chief Executive of the Association of Electoral Administrators (AEA), a professional body representing the interests of electoral administrators in the UK, told us that drawing on the experience of Scotland in 2007, the AEA considered there was a high possibility for great confusion amongst voters:

... electoral events, if they are of a different nature, should not take place at the same time. As a matter of policy and principle, we subscribe to that. Therefore, we have concerns about the possible implications for voters in understanding, or being

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4 Ev 30

5 Voting at Different Polls on 5 May 2011, Electoral Commission paper, 22 July 2010, [www.electoralcommission.org.uk](http://www.electoralcommission.org.uk)

6 Q 72

7 “Wales strongly opposed to election date clash”, Wales Online, 3 July 2010, [www.walesonline.co.uk](http://www.walesonline.co.uk)

8 Ev 32

confused by, the different ballot papers they are presented with for different electoral events on the same day.<sup>9</sup>

13. The lessons of the Scottish elections in 2007 are plain—combining different elections with different electoral systems is an enormous challenge both to administrators and to voters. **The timetable for making the necessary arrangements for holding two different elections on the same day in Wales is extremely challenging. While the Government argues that necessary arrangements will be introduced so that any potential confusion is minimised, many other experts, including an organisation representing electoral administrators in the UK are less confident that the elections will proceed smoothly. If the House does not amend the Bill and the elections go ahead on 5 May 2011 as planned, confusion will only be avoided as long as planning is rigorous and necessary administrative arrangements are put in place. We urge the Government to ensure that necessary planning is undertaken without delay and to publish information about how it proposes to manage the electoral arrangements as soon as possible.**

### *Coincidence of elections in 2015*

14. Further potential problems arise for Wales from other Government plans to change the constitution. Elections to the National Assembly for Wales are held every four years on a fixed-term basis. Following the 2011 polls, the next Assembly election is due to take place on 7 May 2015. The Government has proposed in the Fixed Term Parliaments Bill that the next UK general election will also be held on Thursday 7 May 2015.<sup>10</sup>

15. Lewis Baston, Senior Research Fellow with Democratic Audit, was one of a number of witnesses who argued that this could be problematic:

... the elections for Westminster and the Assembly would be taking place on different systems on the same day, and more complicatedly on two sets of boundaries which will hardly ever correlate with each other.<sup>11</sup>

We agree that electing representatives for two different constituencies on the same day will be a particularly baffling issue for many voters, and we return to this point below.

16. Philip Johnson, Chair of AEA Wales, told us that the coincidence of the elections meant that the consequence in 2015 could be “horrendous”.<sup>12</sup> The Minister acknowledged the concern that the Government’s proposals had raised but argued that the Government would plan carefully to avoid them.<sup>13</sup> However, he hinted that the elections might not after all take place on the same day: “concern has been expressed in Wales, Scotland and Northern Ireland [...] Ministers have been in contact with counterparts in the devolved nations, and we are thinking about what the options might be”.<sup>14</sup> Mr Harper did not

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9 Q 38

10 Fixed Term Parliaments Bill, clause 1 (2) [Bill 64 (2010-11)]

11 Ev 25

12 Q 38

13 Q 72

14 Q 72

expand on what these options were, though other witnesses suggested that the National Assembly for Wales elections might be postponed by one month.

**17. Should the UK general election coincide with elections to the National Assembly for Wales on 7 May 2015, there will need to be extremely robust cooperation and rigorous planning between the UK and Welsh Assembly Governments and other agencies, so that confusion and other complications are avoided. We recommend that the Government commence work on this planning sooner rather than later, and keep us informed of progress.**

**18. The Government should make clear during the Committee Stage of the Bill the other options it is considering to avoid the UK general election and the National Assembly elections both taking place on 7 May 2015.**

### **The political implications**

19. The practical problems of running the referendum on the same day as the National Assembly elections are perhaps manageable, although we heard evidence that the potential clash of elections in 2015 could present significant challenges. However, there are more profound considerations at stake. In the space of a few weeks next Spring, the people of Wales will be asked to decide upon the future of the devolution settlement, the electoral system of the UK and the complexion of the next Welsh government. There are very different, and quite complex, issues at stake in each of these decisions, and only the last of them is a familiar one. (Even that choice will be coloured by the results of a referendum held only a few weeks previously of which the consequences will be far from clear to many of the electors of Wales).

**20. Once again, our concerns are not, first and foremost, about the principles at stake in each of these consultations with the nation. They are about the wisdom and fairness of cramming so much debate and decision into so short a space of time, especially where these debates and decisions are about major constitutional changes of some considerable complexity. We urge the Government to give further consideration to these matters. The potential clash of elections in 2015 could present significant challenges. The Government will need to address this matter expeditiously.**

## 3 Reducing the size of the House of Commons and equalising the size of parliamentary constituencies

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21. Part 2 of the Parliamentary Voting System and Constituencies Bill reduces the number of Members of the House of Commons from 650 to 600, and requires every parliamentary constituency (apart from two constituencies in Scotland) to contain the same number of registered voters within a 5% margin.<sup>15</sup>

### Reducing the number of parliamentary seats in Wales

22. The Bill makes provision that the number of registered voters in each of the proposed 598 constituencies must be within 5% of the electoral quota, defined as the number of registered voters in the UK divided by the number of constituencies.

23. There has been a separate electoral quota for each nation of the UK until 2007 (when the quota for England was also used for Scotland). This has resulted in a wide divergence in the number of voters per constituency. According to the British Academy Policy Centre, at the 2010 general election, there was “an average of 56,545 electors across the 40 Welsh constituencies, compared to 63,101 in Northern Ireland, 65,498 in Scotland, and 71,882 in England”.<sup>16</sup> Should the House pass the Bill the calculation of the new electoral quota is expected to come out at approximately 76,000 voters per constituency. As a consequence, representation of Wales in Westminster is projected to be reduced by ten seats from forty to thirty seats, a 25% reduction.

24. The Government argues that:

... redrawing constituencies will make representation in the House of Commons fairer and gives everyone's vote more equal weight, wherever they live [...] following the reforms a vote cast in Wales will be worth the same, no more and no less, than a vote cast elsewhere in the United Kingdom. Wales will continue to have a strong voice at Westminster, with the same degree of representation as elsewhere in the United Kingdom.<sup>17</sup>

25. Other witnesses argued that Wales has in strict numerical terms been over-represented at Westminster since at least the 1832 Great Reform Act, in recognition that a small nation needed to have its voice heard at Parliament. The House of Commons Library gives background on representation in Wales:

Before 1832 Wales returned 24 MPs to the House of Commons. Each of the 12 counties were represented by one Member, with the remaining 12 MPs representing Parliamentary boroughs. This remained the pattern of representation until the

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15 The exempt constituencies are Na h-Eileanan An Iar (Western Isles) and the Orkneys and Shetland

16 Ev 23

17 Ev 27

Parliamentary reforms of the nineteenth century. After the reforms of 1832 each county in Wales continued to return a single Member, with the exception of Carmarthenshire, Denbighshire and Glamorganshire which each returned two. The Act also created two new Parliamentary boroughs: Merthyr Tydfil and Swansea. The total number of MPs returned for Wales after 1832 was therefore 32. By 1918 this had increased to 37. As related above, representation for Wales was set at the 1944 Speaker's Conference as a minimum of 35 and now stands at 40.<sup>18</sup>

26. As witnesses argued, this situation is not unique to the UK. The United States Senate and the Senate in the Australian Federation are just two examples of legislatures where smaller states are given greater representation than their population might otherwise justify.<sup>19</sup> Nor has the "over-representation" of Wales been a matter of particular concern amongst the electorate at large in the UK, so far as we are aware.

27. The former Secretary of State for Wales, Rt Hon Paul Murphy MP, who currently represents Torfaen, argued that "the reduction of MPs [...] is unprecedented [...] Wales has had a dedicated number of MPs in Parliament since the middle of the Sixteenth Century. This is to safeguard the rights of a small nation in a United Kingdom".<sup>20</sup> Other submissions expressed concern that there will be "a negative impact upon Welsh representation in the UK Parliament"<sup>21</sup> and that "the voice of Wales will be lost".<sup>22</sup>

28. However, the view that Wales merits a disproportionately greater number of MPs than a strict numerical calculation would justify was not held by all witnesses. Professor Richard Wyn Jones, Wales Governance Centre, Cardiff University said, "it is hard to imagine how [a reduction from forty to thirty MPs] has a huge impact in terms of the Welsh voice in Westminster, particularly because, on the whole, Welsh MPs do not behave en masse as a single block".<sup>23</sup> All witnesses however acknowledged that Wales was the nation of the UK most affected by the Government's proposals, and that a 25% reduction of MPs was a significant step to make.

**29. In a democracy, it is an important consideration that every effort is made to ensure that votes have equal weight. However, no electoral system genuinely delivers a wholly "fair" outcome in these terms. Notwithstanding this principle, other factors legitimately weigh in the consideration of where the balance of fairness lies. It is also important that the interests of each region of the United Kingdom are properly heard at Westminster. The Government's proposals would reduce, at a stroke, the number of MPs representing Wales by 25%. By any yardstick, this would be a profound change to the way that Wales is represented in Parliament.**

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18 *The Parliamentary Voting System and Constituencies Bill*, Research Paper 10/55, House of Commons Library, September 2010

19 Ev 24

20 Ev 30

21 Ev 32

22 Ev 31

23 Q 45

## Equalisation of constituencies

30. Linked to the reduction of MPs in the House of Commons, is the proposal that each seat should be equal in size. It is the responsibility of the Boundary Commission of each of the four UK nations to draw the 600 new constituencies, with new rules for the redistribution of seats.

31. Mr Edward Lewis, Secretary to the Boundary Commission for Wales, explained that

... the principal change, of course, is that the issue of parity is very much centre stage. Under the current legislation, although parity is there, other factors are equally dominant in the process. So, the new Bill will actually focus on the parity issues, rather than on some of the other considerations that the Commission currently takes into account”.<sup>24</sup>

Mr Paul Wood, one of the Commissioners, added that “issues such as local ties and historical ties, which may have had more weight previously, are clearly subsumed in the legislation to the numerical issues”.<sup>25</sup>

32. Mr Lewis explained the approach to equalisation;

... we will try to take account of local government boundaries [...] the advantage we have in Wales is that the whole of Wales is also subdivided into communities, and electoral divisions can consist of one or more community. Where communities have a council and are ‘warded’ for electoral purposes, there is a further possibility of breaking down numbers within that community. So, I think that we have some significant flexibility in the way we are structured, to create the parliamentary constituencies.<sup>26</sup>

However, some witnesses argued that the new boundaries would alter fundamentally the nature of representation in Wales. The Rt Hon Paul Murphy MP argued that

... the creation of very large constituencies, rigidly defined by numbers, will destroy community-based constituencies since it would appear that, to create such constituencies, local ties, geography and tradition are likely to be ignored.<sup>27</sup>

Lewis Baston of Democratic Audit, also noted that “there are a few particular local peculiarities in areas of Wales. Certainly, there are more anomalies than there are in England in terms of island and remote rural areas, and urban formations in the valleys of south Wales, which do not really have a reflection elsewhere”.<sup>28</sup> In contrast, the Boundary Commission for Wales noted that whilst some communities are likely to feel divided

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24 Q 3

25 Q 8

26 Q 4

27 Ev 31

28 Q 49

between constituencies, there was “no evidence” to suggest MPs in larger constituencies would be distanced from their constituents.<sup>29</sup>

**33. The unique position of Wales in terms of its geography, culture and history has long been recognised in its Westminster constituencies. We recommend that the Government brings forward amendments to the Bill to permit the Boundary Commission to give greater weight to these factors when drawing up new constituencies than it is currently allowed under the current proposals.**

### **Decoupling constituencies for the National Assembly for Wales from Westminster constituencies**

34. Section 2 of the Government of Wales Act 2006 provides that the constituencies for the National Assembly for Wales are the same as the parliamentary constituencies for Wales. In order that the Assembly does not experience a corresponding reduction in Members, Clause 11 of the Bill decouples the constituencies for the Assembly from those at Westminster.

35. There are a variety of views that might be taken on the severing of the link between Westminster constituencies in Wales and those for elections to the National Assembly. The link in Scotland has been broken since the 2005 general election, and though this has, reportedly, created some problems they do not appear to have proved insuperable. However, this is an example of an under-examined issue which appears to have been rather brushed aside in the race to legislate. There is a strong case to be made that this issue should have received further investigation.

### **Scrutiny of the Executive**

36. Under the Government's proposals, an effect of reducing the number of MPs is that the executive will be drawn from a smaller pool of elected representatives. Although this issue was not the prime focus of our inquiry, a number of witnesses expressed concern that it would result in a greater influence upon the House of Commons by the executive.<sup>30</sup> Lewis Baston of Democratic Audit, argued that under the Government's proposals “we are reducing the number of people capable of scrutinising the Executive without actually reducing the Executive. That seems to me to be the wrong order”.<sup>31</sup>

**37. Government is most effective when Parliament is able to provide effective and rigorous scrutiny. A reduction in the number of MPs without a corresponding reduction in the number of Ministers would increase further the dominance of the Government over the House of Commons and is clearly a matter of great constitutional importance. We strongly recommend that the Government clarify its position on this matter.**

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29 Q 13

30 Ev 33

31 Q 51

## Voter Registration

38. The electoral quota, which will determine the size of a constituency, is based on the number of registered voters, not on the total of those eligible to vote. It has been estimated that the difference between the two across the whole UK is 3.5 million.<sup>32</sup> The Boundary Commission for Wales noted that:

... the problem is that if you use the population, the starting point for the calculation of populations is the census. The next census is in 2011. The data from that won't be available till mid-2012, which is rather late for this work [...] we feel that the electoral register, because it's a more robust register, is a more robust figure to use.<sup>33</sup>

39. On 15 September 2010, Mr Mark Harper MP, Minister for Political and Constitutional Reform, made a statement on the Government's plans for individual electoral registration. He claimed that:

... it is widely recognised on both sides of the House that the current arrangements for electoral registration need to change [...] individual registration provides an opportunity to move forward to a system centred around the individual citizen [...] I am announcing today that we will legislate to implement individual registration in 2014.<sup>34</sup>

Mr Harper told us that "the UK electoral registration system compares very well with comparable democracies across the world, with about 91% or 92% of eligible voters registered".<sup>35</sup> **However, there are, we presume, wide variations around this average between different types of constituency. We recommend that the Wales Office produce estimates of registration levels in each constituency of Wales to inform debate on the Bill's effect on Wales.**

40. Although the Government has pledged to implement individual voter registration by 2014, constituencies for the general election scheduled under government plans for 2015 will be based on electoral data from 2010. John Turner from the Association of Electoral Administrators believed that "individual registration [...] perhaps ought to be the catalyst for [boundary reviews...] so, running the boundaries in the general election after next would seem a more sensible approach to me, simply in terms of the mechanics of switching the registration system".<sup>36</sup> Despite these and similar arguments, Ministers have confirmed that the Government is determined to press ahead with its plans for introducing new boundaries in time for the general election in 2015.

**41. It is in the interests of all democrats that all eligible voters are able to cast their votes at elections. While we note that the Government is committed to increasing the number of voters on the electoral roll, we also note concerns that, once individual voter**

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32 Q 55

33 Q 29

34 HC Deb, 15 September 2010, cols 883-884

35 Q 78

36 Q 55

registration has been implemented in 2014, the 2010 electoral roll, which will be used to determine the electoral quota for the new constituencies in 2015, may be outdated.

42. We recommend the Government reconsider its plans to introduce boundary changes based on 2010 data and consider ways in which more accurate and up-to-date data on those eligible to vote can be gathered.

## 4 The time allowed by the Government for scrutiny of the Bill

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### Scrutiny by the House

43. The Parliamentary Voting System and Constituencies Bill was presented to the House on 22 July, and received a Second Reading on Monday 6 September. Our colleagues on the Political and Constitutional Reform Committee have criticised the lack of time given to scrutiny of the Bill, noting that there was “a grand total of two clear sitting days in which to consider and take evidence on the Bill before Second Reading”.<sup>37</sup>

44. Professor Robert Hazell, Director of the Constitution Unit at UCL, pointed out that the Bill was introduced without any formal consultation in the form of Green or White papers,<sup>38</sup> and the Rt Hon Paul Murphy MP believed that “the Government is currently attempting to rush through these proposals at the expense of proper scrutiny”.<sup>39</sup>

45. Lewis Baston of Democratic Audit argued that by proceeding so hastily in introducing this legislation, “it seems to be an absolute priority to get the new boundaries in place for 2015, rather than to get them right and to consider some of the principles involved”.<sup>40</sup> John Turner, Chief Executive of the Association of Electoral Administrators, reinforced this argument, referring to the “undue speed with which the review is being carried out”.<sup>41</sup>

46. The Minister sought to rebut this argument:

In terms of debate on the Floor of the House of Commons, the Government think that we have allowed adequate time. The programme motion agreed by the House on Second Reading set out five days of debate in Committee. The motion that the House agreed this week [12 October 2010] gave the House an extra six hours of debate to make sure that on days when the House has statements, we protect the time available for debate.<sup>42</sup>

47. The Welsh Grand Committee, comprising all MPs representing constituencies in Wales, provides a forum for debates relating to Wales. The Grand Committee can meet only when the House directs it to do so. In effect, the Government decides when there is a need for a meeting. On 15 September 2010, Rt Hon Paul Murphy MP, former Secretary of State for Wales, made a request to the current Secretary of State for Wales, Rt Hon Mrs Cheryl Gillan MP, to convene the Welsh Grand Committee. Unusually, the request was refused.

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37 Political and Constitutional Reform Committee, First Report of Session 2010-11, *Parliamentary Voting System and Constituencies Bill*, HC 422, Appendix 1

38 *The Parliamentary Voting System and Constituencies Bill*, Research Paper 10/55, House of Commons Library, September 2001

39 Ev 30

40 Q 52

41 Q 52

42 Q 58

48. The Parliamentary Under-Secretary of State for Wales, Mr David Jones MP, rejected the argument that more time could have been given for consideration of the Government's proposals either on the floor of the House or in a Welsh Grand Committee and the Minister argued that the Secretary of State for Wales "takes the view that there is ample time for consideration on the Floor of the House of the clauses affecting Wales specifically".<sup>43</sup>

**49. The Government is determined to pass this legislation quickly in order that the referendum on the Parliamentary electoral system can take place in May 2011. However, we agree with the Political and Constitutional Reform Committee that the Bill has been given insufficient time for proper scrutiny.**

**50. The Welsh Grand Committee gives all Welsh Members the opportunity fully to debate issues relating to Wales. That the Parliamentary Voting System and Constituencies Bill impacts significantly on Wales is clear. In the light of this, we consider the Secretary of State for Wales's decision not to convene a meeting of the Welsh Grand Committee in this instance to be very disappointing.**

## 5 Conclusion

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51. We have expressed throughout this short report a number of concerns about the consequences for Wales, intended and unintended, foreseen and unknown, of the major constitutional issues which are being put before the nation and Parliament for decision in this Bill. We do not point to easy or obvious solutions to any of them. However, on one point we have reached a firm conclusion. No persuasive argument has been presented to justify the haste with which this legislation is being pursued. There is no need for the legislation paving the way to the AV referendum to be linked to that fixing the size and number of parliamentary constituencies. Indeed, there are strong grounds for separating consideration of the two issues in time, both for Parliament and for the electorate.

52. There is no need to rush into reorganising the electoral system without careful and measured consideration of the differential effects on the different parts of the UK. No coherent justification has been made for pressing ahead with the redrawing of constituency boundaries on the basis of out-of-date information of at least questionable accuracy. Most of all, a decision to cut the representation in Parliament of one of the nations of the UK, Wales, by a quarter at a stroke should be one that can be shown to have been subject to the most careful and measured consideration, and should be taken in the light of proper examination of alternative approaches, including a slower pace of change.

## Conclusions and recommendations

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### The practical implications

1. The timetable for making the necessary arrangements for holding two different elections on the same day in Wales is extremely challenging. While the Government argues that necessary arrangements will be introduced so that any potential confusion is minimised, many other experts, including an organisation representing electoral administrators in the UK are less confident that the elections will proceed smoothly. If the House does not amend the Bill and the elections go ahead on 5 May 2011 as planned, confusion will only be avoided as long as planning is rigorous and necessary administrative arrangements are put in place. We urge the Government to ensure that necessary planning is undertaken without delay and to publish information about how it proposes to manage the electoral arrangements as soon as possible. (Paragraph 13)
2. Should the UK general election coincide with elections to the National Assembly for Wales on 7 May 2015, there will need to be extremely robust cooperation and rigorous planning between the UK and Welsh Assembly Governments and other agencies, so that confusion and other complications are avoided. We recommend that the Government commence work on this planning sooner rather than later, and keep us informed of progress. (Paragraph 17)
3. The Government should make clear during the Committee Stage of the Bill the other options it is considering to avoid the UK general election and the National Assembly elections both taking place on 7 May 2015. (Paragraph 18)

### The Political Implications

4. Once again, our concerns are not, first and foremost, about the principles at stake in each of these consultations with the nation. They are about the wisdom and fairness of cramming so much debate and decision into so short a space of time, especially where these debates and decisions are about major constitutional changes of some considerable complexity. We urge the Government to give further consideration to these matters. The potential clash of elections in 2015 could present significant challenges. The Government will need to address this matter expeditiously. (Paragraph 20)

### Reducing the number of parliamentary seats in Wales

5. In a democracy, it is an important consideration that every effort is made to ensure that votes have equal weight. However, no electoral system genuinely delivers a wholly “fair” outcome in these terms. Notwithstanding this principle, other factors legitimately weigh in the consideration of where the balance of fairness lies. It is also important that the interests of each region of the United Kingdom are properly heard at Westminster. The Government’s proposals would reduce, at a stroke, the number of MPs representing Wales by 25%. By any yardstick, this would be a profound change to the way that Wales is represented in Parliament. (Paragraph 29)

### Equalisation of constituencies

6. The unique position of Wales in terms of its geography, culture and history has long been recognised in its Westminster constituencies. We recommend that the Government brings forward amendments to the Bill to permit the Boundary Commission to give greater weight to these factors when drawing up new constituencies than it is currently allowed under the current proposals. (Paragraph 33)

### Scrutiny of the Executive

7. Government is most effective when Parliament is able to provide effective and rigorous scrutiny. A reduction in the number of MPs without a corresponding reduction in the number of Ministers would increase further the dominance of the Government over the House of Commons and is clearly a matter of great constitutional importance. We strongly recommend that the Government clarify its position on this matter. (Paragraph 37)

### Voter Registration

8. However, there are, we presume, wide variations around this average between different types of constituency. We recommend that the Wales Office produce estimates of registration levels in each constituency of Wales to inform debate on the Bill's effect on Wales. (Paragraph 39)
9. It is in the interests of all democrats that all eligible voters are able to cast their votes at elections. While we note that the Government is committed to increasing the number of voters on the electoral roll, we also note concerns that, once individual voter registration has been implemented in 2014, the 2010 electoral roll, which will be used to determine the electoral quota for the new constituencies in 2015, may be outdated. (Paragraph 41)
10. We recommend the Government reconsider its plans to introduce boundary changes based on 2010 data and consider ways in which more accurate and up-to-date data on those eligible to vote can be gathered. (Paragraph 42)

### Scrutiny by the House

11. The Government is determined to pass this legislation quickly in order that the referendum on the Parliamentary electoral system can take place in May 2011. However, we agree with the Political and Constitutional Reform Committee that the Bill has been given insufficient time for proper scrutiny. (Paragraph 49)
12. The Welsh Grand Committee gives all Welsh Members the opportunity fully to debate issues relating to Wales. That the Parliamentary Voting System and Constituencies Bill impacts significantly on Wales is clear. In the light of this, we consider the Secretary of State for Wales's decision not to convene a meeting of the Welsh Grand Committee in this instance to be very disappointing. (Paragraph 50)

# Formal Minutes

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**Thursday 21 October 2010**

David T.C. Davies, in the Chair

Guto Bebb

Alun Cairns

Geraint Davies

Karen Lumley

Jessica Morden

Owen Smith

Mr Mark Williams

Draft Report (*The implications for Wales of the Government's proposals for constitutional reform*) proposed by the Chair, brought up and read.

*Ordered*, That the Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 52 read and agreed to.

Summary agreed to.

*Resolved*, That the Report be the First Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

Written evidence ordered to be published on 14 October was ordered to be reported to the House for printing with the Report.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned until Tuesday 26 October at 10.15 a.m.]

## Witnesses

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<b>Mr John Turner</b> , Chief Executive, Association of Electoral Administrators	Ev 5
<b>Mr Philip Johnson</b> , Chairman of Welsh Branch, Association of Electoral Administrators	
<b>Professor Richard Wyn Jones</b> , Wales Governance Centre	
<b>Mr Lewis Baston</b> , Democratic Audit	
<b>Mr David Jones MP</b> , Parliamentary Under-Secretary of State for Wales, Wales Office	Ev 10
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## List of written evidence

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1	Memorandum submitted by the Association of Electoral Administrators	Ev 16
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# List of Reports from the Committee during the current Parliament

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The following Reports have been produced by the Committee in the 2010 Parliament:

## Session 2010-11

First Special Report	Welsh prisoners in the prison estate: follow up: Government Response to the Committee's Ninth Report of Session 2009-10.	HC 398
Second Special Report	Wales and Whitehall: Government Response to the Committee's Eleventh Report of Session 2009-10.	HC 399
Third Special Report	Cross-border provision of public services for Wales: follow up: Government Response to the Committee's Tenth Report of Session 2009-10.	HC 419

# Oral evidence

## Taken before the Welsh Affairs Committee on Wednesday 13 October 2010

Members present:

David T. C. Davies (Chair)

Guto Bebb  
Geraint Davies  
Glyn Davies  
Susan Elan Jones

Karen Lumley  
Jessica Morden  
Owen Smith  
Mr Mark Williams

*Witnesses:* **Edward Lewis**, Secretary, Boundary Commission for Wales, **John Bader**, Commissioner, Boundary Commission for Wales, and **Paul Wood**, Commissioner, Boundary Commission for Wales, gave evidence.

**Q1 Chair:** Good morning. I'm David Davies, Chairman of the Welsh Affairs Committee, and these are the other members. Would you like to introduce yourselves before we start the evidence session?

**Edward Lewis:** My name is Edward Lewis and I am the Secretary to the Commission.

**John Bader:** John Bader, Commissioner.

**Paul Wood:** Paul Wood, Commissioner.

**Q2 Chair:** First, on behalf of us all, I thank you very much indeed for coming along today. We've got quite a few questions for you. We'd appreciate fairly short and concise answers, and we'll try to reciprocate with short and concise questions.

If I may start off, you've been given a fairly difficult task, I should imagine. Can it be done?

**Edward Lewis:** Yes.

**Chair:** That's brief. That's great. Okay. That's wonderful. In that case, could I ask Mark to ask his question?

**Q3 Mr Williams:** A very concise answer. I might require a bit more depth with my questions. If this Bill passes through the stages unamended, what is your understanding of the new considerations that you will have to take into consideration when drawing up the boundaries?

**Edward Lewis:** Well, the principal change, of course, is that the issue of parity is very much centre stage. Under the current legislation, although parity is there, other factors are equally dominant in the process. So, the new Bill will actually focus on the parity issue, rather than on some of the other considerations that the Commission currently takes into account.

**Q4 Mr Williams:** What are those other considerations? You have said that there is a clear emphasis on parity, but how much weight will you have? What freedom will you have to pursue matters such as the geographic considerations, the concerns of the rural communities of Wales and the local government boundaries?

**Edward Lewis:** Well, we will try to take account of local government boundaries. It is our intention to use as the building blocks electoral divisions in Wales, which in England are known as wards. The advantage that we have in Wales is that the whole of Wales is also subdivided into communities, and electoral

divisions can consist of one or more community. Where communities have a council and are warded for electoral purposes, there is a further possibility of breaking down numbers within that community. So, I think that we have some significant flexibility in the way in which we are structured, to create the parliamentary constituencies.

**Q5 Mr Williams:** Notwithstanding, and not wishing to prejudge your deliberations, would you agree that we could assume that if this Bill goes through unaltered, the new constituencies that will presumably fight the next general election will be fundamentally different to the ones that we face now?

**Edward Lewis:** Yes, it is fair to believe that, because the size of constituencies will be greater in Wales than at present. While we will be trying to take account of local government boundaries, we already know that we are going to have to cross boundaries.

**Q6 Mr Williams:** It sounds peripheral, but I think it is important to a lot of constituents—you are also responsible for the naming of those constituencies, and for merging constituencies as well.

**Edward Lewis:** Yes.

**Q7 Mr Williams:** Very quickly—you alluded to the fact that you would be able to work within the boundaries of community council wards as well. How do you respond to the research from the Electoral Reform Society that says that, if the 5% rule is applied, that is mathematically impossible without splitting wards?

**Edward Lewis:** I think it is too early to say what that means in detail. Because we know that electoral divisions are set up in many instances with communities, we are able to use those communities. It is not the practice of Commissions to split communities, if it is possible to avoid that. The exception, of course, is that where a community is warded for electoral purposes, we could use that ward to assist us in achieving the parity that we are seeking.

**Q8 Owen Smith:** Thank you. I interpret what you have just said as meaning that you are going to place much greater emphasis this time on the numerical issues—the mathematical formula, if you like. Could you elucidate a little more on what sort of

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13 October 2010 Edward Lewis, John Bader and Paul Wood

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considerations you have taken into account hitherto? What sorts of other issues that you took into account will you not be able to pay such attention to this time round?

**Paul Wood:** The issue of parity in the legislation as it is drafted at the moment is clearly the dominant factor. Issues such as local ties and historical ties, which may have had more weight previously, are clearly subsumed in the legislation to the numerical issues. So, we can take account of local ties and community ties, but the way I read it at the moment is that the dominant factor is going to be parity, within the bounds of whatever the legislation says—5%.

**Q9 Owen Smith:** Are you concerned about that?

**Paul Wood:** Our job is to implement what the legislation says, and if the legislation says that those are the rules, we just get on with it and do it.

**Q10 Owen Smith:** Okay. When you have had local reviews of these sorts of decisions in the past, to what extent have those issues around local ties—around historical, cultural, community identities—been some of the most important, dominant issues raised when these issues have been debated at a local level?

**Edward Lewis:** I would not say that they particularly dominate the situation. During the fifth general review, there were four issues that the Commission changed its mind on as a result of the consultation process. Perhaps I should say that, while these issues were raised in the local inquiries, they were also raised beforehand in the written representations. In one sense, the Commission, before the local inquiries, had in its mind that modifications were required in the draft proposals. There was one instance where the issue was the naming of the constituency.

On the issue of names, which has been raised, we try to identify a suitable name that can be in English and Welsh. Because we are only allowed one name, we provide a bilingual name, where appropriate. In our draft proposals we will suggest names, but we would certainly be looking for suggestions from the public as to better names, if there are better names for a constituency, and we would welcome that.

**Chair:** Thank you. We hope the county of Sir Fynwy will continue in one form or another.

**Q11 Jessica Morden:** You said you can do it within the time scale, which is obviously quite a tight time scale, but have you got enough resources to be able to do it that quickly, and will you be getting extra resources to do that?

**Edward Lewis:** Yes. We have had discussions with the Cabinet Office, and we are assured that we will have the resources necessary to undertake the work.

**Q12 Jessica Morden:** A lot of the evidence that we have had so far has focused on people's real fears about their communities being divided. I know that we touched on that earlier, but do you understand the fear that is out there about that?

**Edward Lewis:** Yes we do, but one of the difficulties we have is about how we define a community. There are different viewpoints about what a community is to an individual—it could be a village or a street, or

something larger. For our purposes, we will certainly consider the communities that legally exist as a starting point for our work purposes. Sometimes, of course, they might not be exactly how people in that area see the situation. You could have one village in an adjoining community that perhaps feels a greater affinity with a larger village next door. Those are the subtleties that we have to probe during the process.

**Q13 Jessica Morden:** Do you think there is a danger of distancing MPs in much larger constituencies from their communities?

**Edward Lewis:** We have no evidence to suggest that that will be the case. We have one or two larger constituencies in Wales, and I would have thought that Members of Parliament would be better placed to judge whether or not that causes a problem. Certainly, we will welcome evidence from everyone as to the potential problems that large constituencies might bring.

**Paul Wood:** The issue of communities exists with the current boundaries. One of the things that we have been doing in our most recent meeting was to look at interim reviews of two areas, one of which was, I think, Cardiff South and Penarth. Obviously, Penarth is in the Vale of Glamorgan, and Cardiff South is in the city of Cardiff. The other one was Ogmore, where part of that is in Rhondda Cynon Taf, and part in Bridgend. You already have constituencies that cross boundaries.

**Q14 Jessica Morden:** But isn't it just going to add to the confusion when there are Assembly boundaries that are different to Westminster boundaries? Do you worry about that?

**Edward Lewis:** Well, it's not for us to worry about the situation; I think it's a matter for Ministers. I would assume that there will be a desire to ensure that there is a method for reviewing the Welsh Assembly constituencies once the outcome of the referendum is known.

**Q15 Glyn Davies:** I understand absolutely that the main drag of this is going to be based on population. That is the main issue. Within that, however, there can be some recognition of distance. I am thinking in terms of mid-Wales. You can have a constituency meeting the arithmetical requirement that could be about 120 miles from north to south, or you can have one that is more compact. Clearly, I quite like the idea of it being rather more compact and manageable, and that being part of your consideration. Is that going to be a factor?

**John Bader:** Can I just say that it is going to be registered electors, not population, that will decide that? I think we can all understand that this will, in many instances, increase the distance that constituents have to travel. Again, we can only work within the legislation as it is finally drafted.

**Q16 Glyn Davies:** The worry I have is that when you do your work, to put it bluntly, you will start in Anglesey and work down. You finish up in mid-Wales and group what is left together in one, without giving much consideration to mid-Wales. That is what

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worries me. Then you could finish up with a constituency that, as I say, is 120 miles north to south, because it happens to fit everywhere else. That is the point that I am trying to make to you, as much as the question.

**John Bader:** At the moment, we haven't considered the approach that we would take. Clearly, that is one option, and I suspect that we will be examining a number of options. It has to be done on an all-Wales basis. If we have a specific task that sets the parity that we are required to work within, we cannot start and just do one; we have to do the whole lot and see how it fits.

**Q17 Chair:** Before I call Mr Smith, may I ask, if your prime consideration is going to be population, or registered electors, will the size of the constituency be a secondary consideration, and an important one at that, or will it not be considered at all?

**John Bader:** Do you mean the geographical size?

**Chair:** Yes.

**John Bader:** It is not something that we have considered at this stage, because we are at a very early stage of that consideration. There are policy issues that we will have to determine and that will be one of them.

**Q18 Chair:** I don't want to abuse my position by asking too many questions, but surely you could simply go on numbers, or you could go on numbers and take a view of constituency size as well? You could use that as a secondary consideration, so that we don't end up with the hypothetical situation that Mr Davies has just described with one long constituency from north to south because that is what you end up with. I know that is probably an extreme view, but do you see what I mean? You could make size a secondary consideration if you wish.

**John Bader:** It is not unreasonable to see that, as Paul has said, subsumed into the primary issue, which the legislation as currently drafted indicates. Yes, we could, and we would look at communities and local authority boundaries.

**Q19 Owen Smith:** We have heard what you have said about having to work within the legislation as it is currently drafted. Have you expressed any opinion to Ministers about the legislation?

**Edward Lewis:** No, we haven't, because in one sense it is not our place to do so. We are the servants of Parliament and we respond to whatever Parliament decides through the legislation.

**Q20 Owen Smith:** Okay. I think I heard you say earlier that, as a Commission, you are not at all worried about the extent to which absolute primacy is now associated with this notion of a mathematical formula and the way in which all the other considerations that you have previously taken into account are subservient.

**Paul Wood:** Some of our colleagues from the other Commissions gave evidence to one of the other Committees here, and I think the Secretary of the Boundary Commission for England said that whatever a Boundary Commission or Committee does, people

won't be happy with it, because it will involve change. As currently drafted, this legislation would involve substantial change, so in a sense we know that whatever we recommend, plenty of people will object to it. All we can do is our very best to take account of the sort of views that are being expressed here, such as the point that Mr Davies made that we don't end up with a constituency that is a leftover because we can't fit anything else in. That is a very important point for us to take away.

**Q21 Guto Bebb:** Can I take you back to Jessica Morden's point about the funding implications of the work that you have to do over the next two years? You said that you have no concerns about being able to manage this process in that period, but you indicated that you are in discussions with the Cabinet Office about additional resources. Could you expand on that and give us an approximate figure?

**Edward Lewis:** Yes, we have looked at the requirements for this review. You will be aware from our written evidence that the secretariat jointly serves the Local Government Boundary Commission as well as the parliamentary Commission, so we have an advantage in that we have a core of experienced people. We will then increase our staffing by seconding civil servants to assist us in the process. We have estimated that the worst case scenario is that we would need £1.9 million to complete the review, but I would expect it to be below that figure in reality, because we are able to move people between local government work and parliamentary work so that we can meet the peaks and troughs of activity.

**Q22 Guto Bebb:** In effect, what you are saying is that the additional cost that is being imposed by this Bill will be in the region of £1.9 million, possibly less, but, in terms of actual cost, will that be £1.9 million in addition to what you would usually spend?

**Edward Lewis:** Yes, but what you have to remember, of course, is that, as a standing secretariat, there are ongoing costs in any case to maintain the situation. But we will be expending more, because we will need additional staff to undertake this work. We are in the process of putting in place the staff and the training necessary for them.

**Q23 Geraint Davies:** I should disclose an interest. As I mentioned in the corridor, my father, D. D. N. Davies, was the Secretary of the Boundary Commission for Wales between 1973 and 1984. When he did the job—and up to this point—can you confirm that the way it was done was to start with a premise of equal size and then build in the needs of community and geography to deliver effective democracy? Will you confirm that, to date, that system has served well?

**Edward Lewis:** Well, yes, that was the approach. But one of the difficulties of that approach is the inequalities that resulted. I do not know whether we want to talk about some of the inequalities that have arisen through that approach.

**Q24 Geraint Davies:** In the relative number of registered voters, you mean.

**Edward Lewis:** Yes.

**Q25 Geraint Davies:** Okay. Would you accept that, or are you concerned that, in terms of the way the system works, we will have dramatic change and will be moving from a system where we have a local inquiry enabling stakeholders to respond to changes about their communities and their geography, as well as about the population, as opposed to the number of registered voters. We will no longer have such an inquiry, but will instead have some sort of information about what is going to happen and so-called consultation. Are you concerned that this is being steamrollered through, given your experience in allowing people to have their say and trying to adjust accordingly?

**John Bader:** The consultation proposals that are contained in the draft legislation are obviously different to those that have been used previously. The point you make is accurate: there will not be local inquiries, but those will be substituted with substantial consultation arrangements, which are much more robust and in-depth than previously. Certainly, there are potentially two 12-week periods for people to make written representations, which we will then assess, as a Commission, using, if necessary, assistant Commissioners to support us with an assessment of the evidence that will be contained. We would want to ensure that consultation is seen to be effective.

**Q26 Geraint Davies:** But would you accept that, in the case of various communities being pushed together and there being a dominant and a submissive community, as pointed out, there will be cases where, under the previous terms of reference, the Boundary Commission would have made the judgment that there would be an adjustment to fit the needs of the community and the geography, but that will no longer happen because of the dominant and overbearing force of the number of registered voters?

**John Bader:** But people will still have the same opportunity to make their representations on those issues.

**Q27 Geraint Davies:** I know, but I'm talking about your interpretation and your judgment. Can you imagine a situation where, under the previous regime, you would have said, "Fair enough, we'll redraw it because we want effective democracy within this community, but now we can't, and that's the law and we're only servants and we've got nothing to say." Is that the position now?

**John Bader:** As the Secretary said, in the fifth review there were five open inquiries and only four issues, ultimately, were taken into account by the previous Boundary Commission. All that information was contained in the written evidence, in any event. We would want to ensure that we analyse all that written evidence properly and appropriately and take account of it in coming to our final conclusions.

**Q28 Geraint Davies:** But then ignored it. I find it amazing.

Again, Edward Lewis said that they are servants who just respond to what they are being asked to do. I would have thought that your job would be to act as experienced experts who are able to give advice and

counsel to Ministers who are dashing ahead with a one-size-fits-all solution, but it seems that you are just saying, "Okay, fair enough. We'll just get on with the job." Is that a reasonable characterisation of how you see your role.

**Paul Wood:** Can I just take you back to the first part of your question, in which you said the present system has served us well? You said that the starting point was that constituencies should be roughly equal, but that all the other factors are taken into account. The reality is that we have a range of constituencies in terms of electorate, from three constituencies with 40,000-odd electors in them to those with 70,000-odd electors. The figures counter the suggestion that perhaps there is not a problem at all. I take account of the points you are making about local inquiries, but the present system was supposed to get roughly equal constituencies—and there is currently a huge range.

**Q29 Geraint Davies:** Finally, would you accept that we should be doing this on the basis of eligible voters, not registered voters, because it discriminates against poorer areas, people who find it difficult to fill in forms, ethnic communities, and all the rest?

**Edward Lewis:** I think there's a problem there. The problem is that if you use the population, the starting point for the calculation of populations is the census. The next census is in 2011. The data from that won't be available till mid-2012, which is rather late for this work. The Office for National Statistics then will project within 10 years what the population might be, and then in the following census, they will reflect back and adjust the figures for the whole decade. The difficulty with that, of course, is that I understand that the 2011 census is going to be the last one that we have. So we feel that the electoral register, because it's a rolling register, is a more robust figure to use.

**Chair:** We'll be discussing that in more detail later, but I want to bring in a few more people, if I may.

**Q30 Karen Lumley:** I just want to go back to what Mr Lewis was saying, having been through a Boundary Commission review myself before the last general election. You were doing them on a rolling programme at that time, weren't you? How many people do you actually employ now, and how many people do you envisage employing in the next six months?

**Edward Lewis:** We have 10 staff at the moment. We will be increasing that to 13 or 14. The reason for that is that as the parliamentary work increases next year, the work we're doing for the local government reviews will decrease, so we're able to redeploy the staff within the Commission from one aspect to the parliamentary work.

**Q31 Karen Lumley:** Having been through this, I'm quite conscious that the actual work that we did, and, obviously, the views, are shared by our communities. Are you confident that that's enough to take the whole country on?

**Edward Lewis:** Yes, because we actually undertook the fifth general review on slightly smaller numbers of staff.

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13 October 2010 Edward Lewis, John Bader and Paul Wood

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**Q32 Susan Elan Jones:** I'm interested in the comment you made earlier: what is a community to an individual? On one level, we're having this fairly abstract discussion, but isn't the reality that what you've effectively been told to do is to level it all out, regardless of terrain, regardless of community? We're just going to end up with constituents that are all of a certain population, regardless of the constitutional impact of this on the Welsh nation, in terms that it will have a far larger drop in seats. Aren't we bringing back, in a way, the map of several centuries ago—"For Wales, see England"—without any regard whatsoever to the constitutional implications of it? You've just got a job to do. You mentioned subtleties. It might help us with a few villages here or there, but there's not much you can do, because the legislation has basically been framed to wipe us out in terms of Westminster representation. It could have profound constitutional implications, which probably haven't been grasped in Amersham and Chesham yet.

**John Bader:** In some ways—

**Susan Elan Jones:** You can just say yes if you want.

**John Bader:** To be perfectly frank, we really refer that back to you, because the legislation is made in this building, and we can't change it.

**Chair:** We shall certainly be looking at that. We've got three very brief questions.

**Q33 Mr Williams:** To go back to my original question about the weighting that you put to these considerations, you said that you will take into consideration the needs of communities, geographic considerations and local government boundaries, but my fear is that despite those points being there somewhere on the pecking order, this is totally and utterly subsumed by the number required. Though it may look good on the legislation to have these considerations nominally there, they're going to be very little, aren't they?

**Edward Lewis:** The legislation provides for a tolerance of up to 5%, so in one sense the Commission

can take into account specific aspects of a community, because there is 5% tolerance in the numbers.

**Q34 Jessica Morden:** Very quickly, to go back to Karen's point, in my area we are going through the Local Government Boundary Commission. There is great mistrust about the process because of various bits of evidence having gone missing. Are you confident that your systems are robust enough to take on this big job?

**Edward Lewis:** Yes, because as a result of what happened in Newport, we have revised our systems. I am as confident as I can be that things will not go missing, although I cannot vouch for the Royal Mail.

**Q35 Chair:** Finally, you have been very careful to make the point that you are simply following the instructions of Ministers, as civil servants do. Would you describe the plans as ambitious or challenging?

**John Bader:** We would regard them as challenging in the sense of having to produce the result, yes.

**Q36 Chair:** And ambitious perhaps, in terms of the time scale?

**Edward Lewis:** Not for Wales. We can do it in Wales within the time scale. We worked with those in the Cabinet Office who are drafting the legislation, so in one sense we have had an opportunity to advise the drafters on issues.

**Paul Wood:** Could I make a final point? You mentioned civil servants. John and I are not civil servants, and the de facto chair of our group is a High Court judge. One of the things I want to emphasise is that we come to this from a completely non-political, non-partisan front.

**Chair:** And we welcome that. Thank you very much indeed for coming to give evidence today. We appreciate it.

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*Witnesses:* **John Turner**, Chief Executive, Association of Electoral Administrators, **Philip Johnson**, Chairman, Welsh Branch, Association of Electoral Administrators, **Professor Richard Wyn Jones**, Wales Governance Centre, **Lewis Baston**, Democratic Audit, gave evidence.

**Q37 Chair:** Good morning. I'm David Davies, Chairman of the Welsh Affairs Committee and these are the members. Would you like briefly to introduce yourselves? I will then ask Mr Guto Bebb to start the questions.

**Professor Wyn Jones:** My name is Richard Wyn Jones, Professor Wyn Jones. I am from Cardiff university. Good morning. Bore da.

**Lewis Baston:** My name is Lewis Baston, currently with Democratic Audit, formerly of the Electoral Reform Society from 2003 to 2010. I am probably the person who had the first stab at drawing a map in accordance with these rules.

**Chair:** We've all seen it with great interest.

**Philip Johnson:** I'm Philip Johnson. I am the electoral services manager at Newport city council and deputy returning officer. I am also chair of the AEA Wales.

**John Turner:** And I am John Turner, chief executive of the AEA.

**Q38 Guto Bebb:** I have an opening question on the fact that we are having the AV referendum on the same day as the Welsh Assembly elections. Do any of you have concerns about the fact that we will be going to the polls in Wales on the same day to vote on the AV proposals and, in two different systems, to elect people to the Welsh Assembly?

**Professor Wyn Jones:** Yes, I do have some concerns. I read the House of Lords Select Committee report on referendums, which came out in April, with great interest. I thought their arguments against doing this kind of thing were very persuasive.

**Lewis Baston:** I am conscious that in many countries it is normal practice to roll up referendums and have

them on the same day as legislative elections. I am willing to listen to people who are involved in the administration and politics of it if they say that makes it difficult.

My prime concern is actually 2015, when one might be in the position of fighting an Assembly and a Westminster election on different systems with sets of boundaries which will rarely match up. That is what I am most concerned about.

**Philip Johnson:** First and foremost, 2015 could be horrendous. Hopefully, 2011 won't be, but it does have the capacity to be horrendous. The different franchise could lead to problems, not least confusion in the polling stations.

I am concerned that footfall in the polling stations will be too great. Imagine a parliamentary election that has an 80% turnout. Welsh Assembly elections are usually around the mid-40s, but of course there will be two ballot papers, which actually could be a 90% turnout. Add a third ballot paper to the mix, and you are well over 100%. That could lead to problems in the polling stations, and we all know the headlines that occurred in May this year.

**John Turner:** Our general position really emanates from Scotland in 2007. The review and the report that were done then clearly came down on the side of saying that electoral events, if they are of a different nature, should not take place at the same time. As a matter of policy and principle, we subscribe to that. Therefore, we have concerns about the possible implications for voters in understanding, or being confused by, the different ballot papers they are presented with for different electoral events on the same day.

**Q39 Guto Bebb:** Your responses contradict to an extent the Electoral Commission, who were here on Monday. They said that the referendum could be held on the same day, with the AV referendum on the same day as the Welsh Assembly elections. However, they did have a caveat, which was that there would need to be quite an educational procedure to explain the proposals and to ensure that the people of Wales understood the difference between the AV referendum and the Assembly election. Do you accept that view? If you do, what educational materials would be required in Wales? What costs would be expected? Have you any idea?

**Chair:** By the way, you don't all have to answer at length on this.

**Philip Johnson:** I don't think that the public—the electorate—in Wales would have any problem grasping the concept of the fact that there was a referendum and Assembly elections. My major concern is about confusion over the procedures in the polling station leading to delays. In Newport, for example, 1,000 European voters will not be eligible to vote at the referendum. That is 1% of my total electorate, which is a significant number—it's not a small number. They will turn up at the polling station, and they might be confused about why they have only two ballot papers, instead of three, but there is also the capacity for the polling station staff to be confused as to which ballot paper should go to which elector. We have to add the whole lot into the mix. We should

bear in mind that, since 2001, electors have also been able to apply for a postal vote, but at local elections only or parliamentary elections only. Electors could well come in who are entitled only to, for example, a parliamentary ballot paper, having already received the local ballot papers—that is, for the Assembly—by post, and vice versa. The capacity for confusion is immense, and I don't mean confusion about the issues in the referendum, but the procedures.

**Q40 Chair:** Before I call Karen Lumley, I have a quick question for Mr Baston. Obviously, we all looked at your map and considered our own position, but could this confusion argument not be taken too far, because I feel—I wonder what you feel about this—that most people vote on party lines, not for the person. Sad for me, but that's probably the reality. Will it, therefore, be that confusing? People will go in and vote Conservative, Labour, Lib Dem, Plaid Cymru or whatever—they will not be looking at constituency boundaries. Is that a fair suggestion?

**Lewis Baston:** Yes, it is true that a lot of people vote straightforwardly on party lines.

**Q41 Chair:** Have you done any research on that? Is it 80% or 90%?

**Lewis Baston:** We haven't been able to compare like with like before in this way. What I would say, though, is that there is a lot of evidence from Scotland, rather than Wales, that people vote different ways, even in the two sections—the list and the constituency. In the 2007 Welsh Assembly election, there were seven constituencies where the list vote and the constituency vote went in different directions, including Montgomeryshire. People do exercise judgment, even as regards the different bits of the Welsh Assembly, and it's perfectly reasonable to vote one way for the Welsh Assembly on Welsh Assembly issues and another way for Westminster. In fact, particularly in the case of Plaid Cymru, many people seem to vote for them to a greater extent in Wales.

**Chair:** Yes, people have told me that they vote Plaid Cymru because it's Wales and UKIP for a European election.

**Q42 Karen Lumley:** Do you think Wales is over-represented?

**Lewis Baston:** That's a very good question. Yes, there is an argument that 40 out of 650 is too many. Welsh constituencies are systematically smaller than the UK average and smaller than in any of the other nations. There are some good reasons for that, but a lot of it is just arithmetical drift. There is a case for losing a few. Whether losing 10 or 11 is the right answer, I rather doubt.

**Professor Wyn Jones:** May I make a point here? Hon. Members will forgive me for saying this, but I am not persuaded by the arguments that I have heard in favour of Welsh over-representation. Susan Elan Jones went back into history, you will forgive me for doing the same on that lead. When MPs first came from Wales to this place after the Act of Union, by 1543 they were, basically, represented on a proportionate basis. Wales was about 7% of the population of England and Wales and 7% of the MPs in this place

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after 1543 were from Wales. There wasn't any kind of formational deal that Wales should be over-represented by such and such. This is drift, which has happened relatively recently and I do not find—with the best will in the world—the arguments for over-representation particularly compelling.

Another thing is that if you are going to over-represent Wales, why by the particular percentage that it is over-represented now? Again, I have yet to hear a compelling intellectual argument in favour of the particular degree of over-representation that we have.

**Q43 Guto Bebb:** Can I challenge the point that you just made about drift? My understanding is that the minimum of 35 MPs was agreed by the Speaker's Conference in 1944 and has been kept ever since, so I think that the use of the word "drift" is unfortunate. I accept that the number of Welsh MPs at 40 is possibly too high, but I am not sure whether "drift" is correct in terms of the fact that there has been a scrutiny of this decision over the past 60 years.

**Professor Wyn Jones:** If you go back to read the arguments from the Speaker's Conference, these are subjective judgments, but I do not find the arguments particularly compelling. I note the way that certain MPs at the time who were noticeably anti-nationalist in their rhetoric were otherwise pretty nationalistic in their arguments in favour of Welsh over-representation back then. I accept that these are subjective judgments, but I do not personally find the arguments particularly compelling.

**Q44 Chair:** If Wales's representation is reduced, do you see that, politically, it might add to arguments for Wales and the Welsh Assembly to seek further powers and perhaps even to break away from the Union?

**Professor Wyn Jones:** I cannot see a change from 6% to 5% of MPs making that dramatic a difference.

**Q45 Chair:** But it is a change within Wales of 40 to 30, which is 25%.

**Professor Wyn Jones:** But it is hard to imagine how that has a huge impact in terms of the Welsh voice in Westminster, particularly because, on the whole, Welsh MPs do not behave en masse as a single block.

**Chair:** That's certainly true.

**Q46 Susan Elan Jones:** I do not want to go back to the 16th century now, but I think that you would have found that the Welsh MPs who were around at the time of Tryweryn would have disagreed with you on that.

I am interested in what you say in terms of looking around the world. Many countries' constitutions—for example, in the States or in Germany—protect states of totally different populations from having in some cases identical, in other cases similar, sizes of representation. But you do not think that argument works for Wales within the United Kingdom.

**Professor Wyn Jones:** You could try to make the argument, but then your problem is, why the particular level of over-representation that we have? Why 6% of the seats?

**Q47 Susan Elan Jones:** So we could go up to 50?

**Professor Wyn Jones:** These just look like post-hoc rationalisations of what we have rather than a principled argument in favour. I am sorry; I did not mean that to sound insulting at all, but they do sound like post-hoc rationalisations.

**Q48 Owen Smith:** Are they, and the differential between 40,000 and 70,000, not also reflective of the particularities of Wales—of geographical, real, solid, community identities and local ties? Although there is mathematical drift, there is also history forging those constituencies and those identities, and that is not something that we should throw away.

**Professor Wyn Jones:** Can I make two very quick points? I apologise to colleagues for monopolising the responses. The boundaries have changed over time. As an Anglesey boy, I would argue that the most natural community in Wales is obviously Ynys Môn. There is sea around Anglesey, but Anglesey hasn't always been one constituency. As someone who grew up in the village of Penmynydd, Bangor was the natural town that you would head to, to do what you had to do. Even though I would claim Ynys Môn as the most natural community in Wales, the questions that were raised by our colleagues in the previous session show that views of our communities are, in many ways, subjective and may vary. It is very difficult to be hard and fast about these things.

**Chair:** Fascinating though this is, we have to take two quick questions on this and then move on to the others.

**Q49 Glyn Davies:** My point is similar to the one made by Owen Smith. The position at the moment is that Gwent is arithmetically over-represented. The new system that is coming in suggests that it isn't. What it suggests is that the arithmetical calculations would be the same for Wales as for everywhere else. Can you think of a single reason why it should be different for Wales than for anywhere else? Clearly, if you were arguing that from a philosophical point of view, you would have to say that the differences in Wales were such that it should be larger in Wales than otherwise, except the fact that there is a link with history. Is there any reason at all why you should be mourning the loss?

**Lewis Baston:** There are a few particular local peculiarities in areas of Wales. Certainly, there are more anomalies than there are in England in terms of islands and remote rural areas, and urban formations in the valleys of south Wales, which do not really have a reflection elsewhere. So, there are a few of these geographical things, and having three or four anomalies out of 30 to 40 seats is fairly significant. The number of potential anomalies in England is only about three or four, which is proportionately nothing. In terms of representation, as was noted earlier, a lot of countries use one basis of arithmetic equality for their lower house and have a rather more federal-type system for another chamber. It is a shame that we are considering representation in the Commons in isolation from the powers of the Assembly and also the representation of the different parts of the UK in the Lords. It is a shame.

**Chair:** I know that this is a really interesting issue for all of us, but given that we have so much to get through, I appeal for short questions and answers.

**Q50 Geraint Davies:** Will you accept that a small nation of 3 million sitting alongside a nation 17 times its size, completely reliant on funding from that much larger neighbour, has a case to be made for slight over-representation? That combined with the history, the sparsity and the geography is the glue of the Union. I am going back to the Chair's point here. Do you not accept, therefore, that if that was completely eradicated overnight with a one size fits all it would threaten not just effective democracy but the Union itself?

**Professor Wyn Jones:** No, I don't. This degree of over-representation is relatively recent. I don't think the Union was in great danger—

**Chair:** That's a good brief answer. Yes or no on that Union threat, gentlemen?

**Lewis Baston:** Forty is too many and 30 may be too few.

**John Turner:** From a general principle, we start from the position that every vote in the United Kingdom should be of equal weight. Therefore, I concur with my colleagues.

**Philip Johnson:** My only concern, and it possibly ties in with some of the issues that colleagues have raised, is that as a returning officer, we have duties to involve people in the electoral process. Depending on how the new boundaries are drawn, that might become very difficult, and in some of the sparser areas of Wales almost impossible. That is my concern as an administrator or deputy returning officer.

**Chair:** I would like to call on Susan Elan Jones to ask some questions about the reduction of the Executive if this goes ahead.

**Q51 Susan Elan Jones:** The Deputy Prime Minister said in July, "I think we have Executive dominance; we have one of the most Executive-led forms of Government anywhere in the western world." If we are going down this route of reducing the number of Members of Parliament, do you think that the Executive should be reduced in size as well?

**Professor Wyn Jones:** Well, yes. Do you want to know which jobs should go?

**Lewis Baston:** I agree with the premise of the question, which is that we are reducing the number of people capable of scrutinising the Executive without actually reducing the Executive. That seems to me to be the wrong order.

**Philip Johnson:** I agree.

**John Turner:** I agree absolutely, although a very interesting point was raised earlier on that: if that is the case in Wales, it strengthens the case, as far as I can see, for the National Assembly having greater powers than it currently has.

**Chair:** This issue of scrutiny of the Executive is quite close to home at the moment.

**Q52 Owen Smith:** Yes, although I am trying to shift the debate on to a slightly different area. What is your opinion of the rationale for making this change right now, because it was born out of the very heated

politics of the election? My view is that it is entirely party politically motivated and, in effect, is a piece of gerrymandering, as it is trying to reduce the number of Labour seats in Wales. What is your opinion on that?

**Professor Wyn Jones:** There are people who have no obvious self-interest in this who have long argued that the different levels of representation across the UK are something of an anomaly. I understand your argument, but I am not sure that everyone who suggests that we go for more equalised constituency sizes across the UK has that self-interest. It is also clear, of course, that the first-past-the-post electoral system has tended to favour Labour and disadvantage the Conservatives, so changes of this kind probably favour the Conservatives.

**Lewis Baston:** I share some of the concerns about the origins of the proposal, because the argument that the source of bias in the electoral system is mostly to do with the size of constituencies seems to have arisen in a discourse within one party. Academically, that is not the case; it is a small component. It may misfire if that is the intention; schemes that are intended to help one party often end up backfiring on their authors. That may be the case with this one. In Ireland they have the word, "Tullymander", which comes from the '70s and means a failed gerrymander that blows up in its author's face.

In all seriousness, I am concerned about the speed with which this is being brought through. It seems to be an absolute priority to get the new boundaries in place for 2015, rather than to get them right and to consider some of the principles involved. I would much rather we did this properly. We could, for instance, use the census information, if we were willing to have the new boundaries from, say, 2020. We could use some new approaches, such as "drive-time compactness", which is a market research term, to stop straggly constituencies in the middle being too prevalent. If we want to design a good system, there are all sorts of possibilities that we have not considered.

**Chair:** Mr Johnson, do you have anything to say on that?

**Philip Johnson:** Looking at the current local government boundary review that the Boundary Commission for Wales is conducting and some of its proposals, and bearing in mind that the same people are doing the parliamentary review, I would put a big question mark over what will happen with the new boundaries.

**John Turner:** My point is not really about the party political issue, but more about the point Mr Baston made on the undue speed with which the review is being carried out. The current system has worked well and has allowed the sorts of issue that were raised in previous questioning about local ties and communities of interests to be properly explored in a public arena at local inquiries. I have a grave concern that short-circuiting this process and almost dumbing it down will cut out the ability to make such points.

**Q53 Guto Bebb:** In view of the fact that the Bill is going through at a pace—you may have a view on whether that is a good or a bad thing—there is a possibility that we will end up having two elections

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on the same day in 2015, which is the issue you raised. What is the experience from Scotland of having two elections on the same day, with people being in one constituency for the Scottish Parliament and in a different one for Westminster? Does that create confusion, and have you any concerns from an administrative point of view about having two constituency elections on the same day? If you thought that you might have two elections on one day—for the Welsh Assembly and for the Westminster Parliament, for example—would that be a concern from an administrative point of view?

**Philip Johnson:** Absolutely. You have hit the nail on the head. Of course, it wouldn't just be the difference in the Assembly and parliamentary constituencies; there is the question whether the new parliamentary constituencies will still be coterminous with the Assembly regions, because the instruction that is proposed to the Boundary Commission is that it can look across county boundaries. At the moment, the regional boundaries tend to reflect the old county boundaries. It would cause immense problems, almost to the point of being impossible to administrate.

**John Turner:** Adding to that, the experience in Scotland in 2007 showed the difficulties that can emerge. Our concern would be that it is not simply putting a parliamentary election in with an Assembly election—or indeed, as in Scotland, the two national elections—but you could have local government popping out of the woodwork as well and all sorts of other things that are now being considered. I would concur with my colleague on the point that we will get to a stage where the electoral administration, the necessary logistics and so on will just collapse under the sheer strain and pressure of what is being asked.

**Professor Wyn Jones:** The Scottish example was nothing less than a scandal in democratic terms, and I find it incomprehensible to knowingly put ourselves in a situation where we could find a recurrence of that.

**Q54 Guto Bebb:** Is your concern, then, with the fact that the elections are being proposed on the same day? From what I gather, you are obviously in favour of reducing, and in favour of reducing the number of Welsh MPs, because you cannot find any defence for the number of Welsh MPs. But I have also read your work, in which you say that about 60 is the minimum number of Assembly Members that we need to get the Assembly to work properly. Now, if we are going to reduce the number of Welsh MPs, clearly, if you decouple that fact from the Assembly, the confusion, which you have just described so well, is automatically going to happen.

**Professor Wyn Jones:** What I am referring to in particular is the proposal to hold these things on the same day.

**Guto Bebb:** So that is your main concern? Not the actual proposals.

**Chair:** We have to ask a few questions about voter registration before 11.30 am, so could I ask Geraint Davies to begin with that?

**Q55 Geraint Davies:** It is a simple question whether a reasonably robust prediction of the number of eligible voters wouldn't be a much fairer way of

drawing the boundaries than using registered voters. That is especially so, given that there is clearly a bias away from people in ethnic communities, those in private rented accommodation and poorer people generally registering, which will be worsened with individual voting, where the one in five people who are functionally illiterate and cannot fill in forms and the people who cannot speak English won't be registered, and therefore their vote won't count.

Surely those issues may be as big, given that there are 3.5 million people who are not registered, as the anomalies that this measure is trying to address about the differences in size. Can the panel say whether they agree that the numbers should be done on the number of eligible voters—the best estimate of that from various data sources—as opposed to the number of people registered to vote?

**Lewis Baston:** Yes, I agree with that. It would be reasonably easy to do with the census data if we just waited a bit. Individual registration has observably made the number of electors in each seat in Northern Ireland bounce around quite a lot, so I expect that we shall find that this number becomes increasingly unstable as we go forward.

**John Turner:** This would go back to the point that I made about timing, and therefore support what Mr Baston is saying. It seems to me that if you are going to do individual registration as well, you should do one or the other and then things follow on.

Individual registration, therefore, perhaps ought to be the catalyst for this, and then you can use the material that is available from other data sources to verify against that which you have in terms of that transition to individual registration. So, running the new boundaries in the general election after next would seem a more sensible approach to me, simply in terms of the mechanics of switching the registration system.

**Professor Wyn Jones:** There was a clear manifesto commitment from the Conservative party going into the UK general election to reduce, and the Liberal Democrats, if I recall, wanted to go down to 500. If you are going to make this change for 2015, the only way that you can do it is on the basis of estimates and on the basis of what we have on the electoral register, because I think that the estimates do bounce around from year to year. They are often prone to being mistaken, and there is increasing volatility in population movement. Pragmatically, there aren't many good options, and this might be the least bad, but I very much share the underlying concern. That is a general problem, however, which has been with us for a long time.

**Q56 Karen Lumley:** What percentage of voters in Newport are registered?

**Philip Johnson:** I contend that it is 100%. However, it is impossible at any one time to say, "Yes, that register as of today is accurate." For example, at the present time it is based around this magic date of 15 October. Some people sent their forms back two months ago and will have moved by that day. Others will have moved before the election. I conduct a mini-canvass every January. It is not a statutory obligation, and not all administrators do it. I write to every household stating who is registered, asking whether

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they have postal votes and attaching a registration form so that they can make any amendments or additions. I also tell them what elections are in the pipeline. That ticks of a lot of boxes; it helps with participation, registration and so on.

**Chair:** I am well aware of the excellent job that Newport council does, for various familial reasons. We have slightly overrun, but I thank all four of you for coming here today to give evidence. I now call the next witnesses.

*Witnesses:* **David Jones MP**, Parliamentary Under-Secretary of State for Wales, Wales Office, and **Mark Harper MP**, Minister for Political and Constitutional Reform, Cabinet Office, gave evidence.

**Q57 Chair:** I know that we all know each other very well, but for the record will you please introduce yourselves?

**Mr Jones:** I am David Jones, Parliamentary Under-Secretary of State for Wales.

**Mr Harper:** I am Mark Harper, Minister with responsibility for political and constitutional reform.

**Chair:** Thank you very much. I am David Davies, Chairman of the Welsh Affairs Committee. Welcome back to the deputy Minister. I begin by asking Jessica Morden if she will start our question session.

**Q58 Jessica Morden:** Given the huge change that the Bill will bring about, what's the rush with it, how much time do you think we'll have on the Floor of the House to discuss it next week, and why won't the Secretary of State for Wales have a Welsh Grand Committee so that we have the opportunity to discuss it there?

**Mr Harper:** Ms Morden, as my constituency neighbour, albeit across the border, let me take the first part of that question; Mr Jones will take the second.

In terms of debate on the Floor of the House of Commons, the Government think that we have allowed adequate time. The programme motion agreed by the House on Second Reading set out five days of debate in Committee. The motion that the House agreed this week gave the House an extra six hours of debate to make sure that on days when the House has statements, we protect the time available for debate. The knives that we inserted into the programme motion were specifically placed to make sure, as I promised on Second Reading, that we would have the opportunity to debate and vote on the key issues in the Bill as identified on Second Reading.

So far, based on the first day of debate, that worked well. We had a debate, albeit that some might think it a little lengthy, on the date. We also had the chance to debate the question, and were able to vote on Government and Opposition amendments on both those matters. So far, I think that proceedings in the House have worked well, and I am confident that they will continue to do so in the remaining four days of debate in Committee.

**Q59 Jessica Morden:** But my understanding is that the Welsh clauses will come on Wednesday evening, and we may not even get to them. Is that your understanding?

**Mr Harper:** There is one specific Welsh clause in the Bill—clause 11, which decouples the Assembly constituencies. That will come on day four. The other clauses that you might mean are those that set the rules for the boundary review. Some of them will

come on day three and some will come on day four. We will keep the timetable under review, but the Government's intention is to ensure that we have adequate time to debate each part of the Bill. It is not in our interests for it not to be debated in the elected House before it moves on to the House of Lords.

**Mr Jones:** In terms of the Welsh Grand Committee, as you know, the Secretary of State did give consideration to a request made by the right hon. Paul Murphy. She decided not to grant a Welsh Grand Committee. She takes the view that there is ample time for consideration on the Floor of the House of the clauses affecting Wales specifically. You will recall also that she made arrangements for all Welsh MPs to attend a meeting at which Mr Harper was present, at which they could raise the concerns that they had about Wales in particular. Furthermore, it is always possible for representations to be made by the Opposition through the usual channels, and it may well be that such representations have been made.

**Q60 Jessica Morden:** But it is pretty unprecedented not to agree to have a Welsh Grand Committee, isn't it? I have never known anyone turn down the opportunity.

**Mr Jones:** I am trying to think of the precedent for a Welsh Grand Committee in these circumstances. Perhaps you could remind me of one.

**Q61 Chair:** Minister, if the clause isn't reached or discussed on Wednesday—on day four—do you think the Secretary of State might change her mind and allow it to be discussed by a Welsh Grand Committee?

**Mr Jones:** No, I am confident that there will be sufficient time on the Floor of the House.

**Q62 Chair:** So clause 11 will definitely be reached, in your view, and will be discussed.

**Mr Jones:** In my view, the timetable is sufficient to allow any concerns about clause 11 to be debated.

**Q63 Chair:** If, for any reason, it is not reached, the Secretary of State might well reconsider her decision in the light of that fact.

**Mr Jones:** Clearly, it is something that we will keep under review. These things are always difficult. I recall, for example, when the Planning Bill went through in the last Parliament; I was a member of that Committee. There were several Welsh clauses, which were not debated either in Committee or on the Floor of the House. This Government have done a lot more to make sure that Welsh interests are debated on the Floor of the House.

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**Q64 Chair:** Were the planning clauses debated by the Welsh Grand Committee?

**Mr Jones:** They were not debated by the Welsh Grand Committee or in the Bill Committee.

**Q65 Owen Smith:** I will continue this point, if I may. This is a question to the Wales Office Minister. As you are, no doubt, a proud Welshman, Mr Jones, are you seriously telling us that you think an hour—we are talking about an hour, or possibly an hour and a half—is enough time on the Floor of the House to debate getting rid of fully a quarter of the Welsh political representation in the House of Commons? I find that extraordinary.

**Mr Jones:** I think your estimate is possibly inaccurate. In any event, I remind you, Mr Smith, that these matters were canvassed in a meeting at which I think you were present. Certainly my colleague the Minister was present. Yes, I do believe that these are constitutional matters; it is a constitutional Bill and should be taken on the Floor of the House, which is where it will be taken.

**Q66 Owen Smith:** You think an hour or two will suffice.

**Mr Jones:** That is a matter for Parliament, and Parliament has agreed to the programme motion.

**Q67 Owen Smith:** May I ask you again, in that case, to make further representations to the Secretary of State for Wales about the need, which many in our party feel is pressing, for a Welsh Grand Committee to consider this further? We don't believe there is going to be sufficient time to consider Welsh-specific issues on the Floor, and we think that a Welsh Grand Committee is an important vehicle for doing that. There is no precedent that we can find for a Secretary of State refusing the Welsh Grand Committee on any issue.

**Mr Jones:** As I put it to your colleague, Ms Morden, perhaps you could supply me with precedents to the contrary. In any event, given what you have said, I will certainly report the matter to the Secretary of State; of course I will.

**Chair:** Thank you for that concise exchange. Mr Davies?

**Q68 Geraint Davies:** On the same point, would you not accept that Wales is a country of just 3 million that sits alongside a country 17 times its size and is reliant exclusively on money from Westminster to fund it? Therefore, there is over-representation of Welsh MPs; that was part of the agreement, in essence, on the sustaining of the Union. Given that the proposal is to decrease the number of MPs by a full quarter, surely there must be a case for the convening of a Welsh Grand to discuss this step change in the relationship between the two nations.

**Mr Jones:** What I would say is that I think that most people—electors in particular—would consider it of prime importance that there should be fairness in the system, and that a vote in one part of the country should not be worth more, sometimes considerably more, than a vote in another part of the country. I remind you, too, that the question of the reduction in

the size of Parliament was a manifesto commitment of both parties in the coalition, and in fact the reduction in size that is now being proposed is actually rather less than was proposed in the manifestos.

**Q69 Geraint Davies:** Yes, but the issue is that we should have this debate in the Grand Committee, because it is of such significance to Wales. I appreciate there are arguments on both sides, and you are deploying some of those arguments, but surely, historically, we are at a moment when we are looking at scrapping a quarter of the seats, and the impact that will have on the relationship and constitutional settlement between England and Wales. Is it the case that this is an emerging view? Is it a Conservative view that you would be happy to have an ongoing Conservative Administration in England at the expense of a poorer, isolated Wales that is carved up between Labour and the nationalists because they're so annoyed that they've been treated so badly? That would be reinforced by the contempt that you are showing to Wales by not having the Grand Committee discuss this.

**Mr Jones:** There are several questions in that particular statement, but what I would say is no. We regard ourselves as a party of the Union—in fact, the party of the Union. We regard the Union as paramount, and think that it is essential that voters in every part of our United Kingdom should have a vote that is, so far as possible, fair and equal.

**Q70 Geraint Davies:** But why are you treating us Welsh MPs so shabbily as to not allow us a proper forum for discussion?

**Mr Jones:** Could I remind you, Mr Davies, that you were present also at the meeting that the Secretary of State convened? You were given the opportunity to express your views there. We've already had several days of debate on the Floor of the House, both on Second Reading and in Committee. Welsh MPs have already made their views quite clearly known on the Floor of the House, and I find it hard to see how you can possibly suggest that Welsh MPs are somehow being gagged, when they can make their points on the Floor of the House of Commons.

**Q71 Geraint Davies:** For an hour.

**Mr Jones:** No, forgive me, for more than an hour. We've already had Second Reading, and we've also had the Committee stage.

**Chair:** Let's try to keep it courteous on all sides. I'll call Guto Bebb, and then Susan Elan Jones.

**Q72 Guto Bebb:** I have some concerns in relation to the decision to decouple the parliamentary constituencies from the Welsh Assembly constituencies on a first-past-the-post basis. I understand exactly why that is being done; I think a number of very prominent people have argued strongly that the Welsh Assembly needs a minimum of 60 Members, and obviously if we had the same reduction in Welsh Assembly Members as we are currently proposing for Welsh MPs, the Assembly might be in some difficulty. However, my concern is

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with the fact that we might end up, as a result of this Bill being pushed through in time for the next general election, in a situation where we will have a very complicated election in Wales in 2015, where people will be voting in one constituency for Westminster and another constituency for the Welsh Assembly. Even more complicated is the potential for the parliamentary constituencies not to be coterminous with some of the regional constituencies that we have for the Welsh Assembly. How much consideration have the Government given to those practical problems that we might face in 2015?

**Mr Harper:** Let me just deal with that first, and then Mr Jones will add some detail. We have thought that through. We wanted to decouple in the first place so that there wasn't an automatic reduction. We recognised that, depending on the decisions that the Welsh Assembly takes on how many Members it thinks are appropriate, there will be a need to legislate at a later date, and we've committed to do that. For example, we've continued in this Bill the ability of the boundary commissioners to continue their interim review, but we will have to put in place steps after that.

The point you make about complexity is a fair one. It's already what happens, of course, in Scotland; the Scottish parliamentary constituencies are not coterminous with the Westminster parliamentary constituencies. I think that is probably a function of devolution, but we have thought that through, and we will continue the dialogue with the Welsh Assembly.

**Mr Jones:** Yes, broadly speaking, the Welsh Assembly Government appear supportive of the idea of decoupling. I think they would be more concerned if there were no decoupling. What I would also say, in terms of complexity, is that you may be aware that the Presiding Officer of the Assembly wrote to the Secretary of State some time ago, welcoming multiple polls, and pressing for both referendums—the Welsh referendum and the AV referendum—as well as the next Welsh Assembly election to take place on the same day; but we have decided not to go quite that far.

**Guto Bebb:** On that point, I'm actually fairly comfortable with the AV referendum being on the same day as Welsh Assembly elections in 2011. My concern is actually with 2015, because I recognise your point that we do have a situation in Scotland where Westminster parliamentary constituencies and Scottish parliamentary constituencies are not the same. The concern I am trying to express is that currently, with our fixed-term Parliaments option, we will end up with the Welsh Assembly elections and the parliamentary elections taking place on the same day. In view of the way in which the Scottish parliamentary and local government elections became quite a disaster, I have significant concerns in that area, and I am not sure whether they are being taken on board as well as they perhaps should be.

**Mr Harper:** There are two separate questions there. One is about the coincidence of the dates in 2015, and you'll know, Mr Bebb, that that concern has been expressed in Wales, Scotland and Northern Ireland. That is something that the Deputy Prime Minister acknowledged is qualitatively different from the coincidence of an election and a referendum.

Ministers have been in contact with counterparts in the devolved nations, and we are thinking about what the options might be. If we accept the premise that at the moment the plan is that there will be a coincidence, the key is to make sure that you give people good time to work through the details, and to plan properly. For example, for the referendum next year, we are working with administrators across the UK to make sure that, for the polls that happen on the same day, arrangements will be in place that are practical and sensible, so that things happen smoothly. That's what you'll have to do if the elections happen on the same day. With appropriate planning, such things can be sorted out. The issue in Scotland—

**Chair:** We have a short amount of time and I'd like to call Susan Elan Jones.

**Q73 Susan Elan Jones:** I want to go back, if I may, to Mr Jones's answer to the question about the Welsh Grand Committee—or the lack of one. He said that there was no precedent to the contrary. My colleagues have argued that there is no precedent that we know of in which a request for a Welsh Grand Committee has been refused by a Secretary of State. Is your answer, in which you say that there is no precedent to the contrary, seriously that Secretaries of State have, in the past, not granted them when people didn't want them? If so, that was extraordinary. What do you mean by that?

**Mr Jones:** I don't think I can add to what I have said already. The request for a Grand Committee has been considered by the Secretary of State, but she has decided on balance not to hold one.

**Q74 Susan Elan Jones:** And that's unprecedented?

**Mr Jones:** That is what you tell me. I don't know that, but if you would like to provide me with the evidence, I will be happy to consider it.

**Q75 Owen Smith:** That is asking us to prove a negative, as it were, because what we're telling you is that in the experience of previous Secretaries of State, they have never refused a request for a Welsh Grand Committee—never refused one.

**Mr Jones:** Forgive me, I am not asking you to prove a negative. What I am saying is that your colleague, Ms Jones, has just put a point to me and I do not know whether it is right or wrong.

**Q76 Chair:** I shall call Glyn Davies, but before I do, I want to ask a question myself. If the size of the constituencies increases—we are all MPs; we all work pretty hard, I'm sure—surely the service that we offer constituents is going to go down unless more money is found to ensure that we can employ staff for longer hours.

**Mr Harper:** Let me deal with that, Mr Chairman. If you look across the United Kingdom, the average electoral quota that we think will be in place based on last year's elector register will be about 76,000. About a third of the seats in the House of Commons are already that size, anyway. All Members have the same expenses regime to fund their offices and their staff. One could argue at the moment, when looking across Wales, where all the constituencies are significantly

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smaller, on average, that Members have more resource than in the rest of the United Kingdom to serve their constituents. All we are talking about is that seats across the UK, including Wales, will be the same size. So, I don't think that there will be an issue about Members not being able to serve their constituents. One of the reasons why we settled on 600 as the size of the Commons, rather than the Conservative manifesto commitment of 585, was in recognition of the balance between reducing the size of the House of Commons and the fact that MPs have to be able to do their job. It is not a magic number, it is a balance—we thought that 600 struck about the right balance, with constituencies being a little bit bigger, but not so big that Members would have trouble serving their constituents.

**Q77 Chair:** Refresh my memory—at one of the meetings that I have attended with you, I believe that you told me that there would be some announcement about voter registration in November or December. I wonder if I remember that correctly. It was more of an informal meeting. Perhaps there is something you want to put on the record today about that.

**Mr Harper:** Yes. On 15 September, when the House was sitting, I made a statement to the Commons about speeding up individual voter registration, to make individual registration compulsory before the next general election. One of the things I also emphasised was that the Government felt it very important not only to deal with the issue of voter fraud and people who were on the electoral register who should not be, but to make sure the register was complete. We have announced a number of steps that we are going to take to ensure that we deal with areas of under-registration, for example I have written to every local authority chief executive in the country to ask them to take part next year in some data matching pilots to look at public sector databases that currently exist that might help pinpoint—

**Q78 Chair:** You are confident that we can have nearly 100%.

**Mr Harper:** Absolutely. I am confident that we can improve it, but it is worth saying that the UK electoral registration system compares very well with comparable democracies across the world, with about 91% or 92% of eligible voters registered, which is pretty much as well as anybody else manages. But we can do better.

**Q79 Glyn Davies:** My question flows very much from Mr Harper's last response. Clearly the issue that has caused concern to Welsh MPs across the board whom I have talked to about this—and we have heard quite a bit today—is that there is a greater decrease in Wales than elsewhere. Over-representation is not really the word I want to use, but arithmetical and historical over-representation is what has led to this greater decrease. I have tried to find in my own mind an intellectual reason why I should oppose the decrease, and I simply cannot find one. I cannot understand how the charge of gerrymandering that we have heard today stands up at all. I think that is just a

negative word used that does not have any relevance. I have not been able to find one.

In our evidence today, one of the witnesses said to us that in Wales the number of anomalies—this might relate to an island, or similar—is rather greater than it would be in England, and they actually gave us some numbers. That seems to be the first reason that I have ever heard from anyone that actually gives you an intellectual argument for there being a higher representation in Wales than elsewhere. I raise that with you because I would be interested in your comment on it.

**Mr Harper:** The reduction in the number of MPs likely in Wales is obviously driven by two things. It is partly an equal reduction driven by the reduction in the size of the House of Commons, which of course is happening across the UK. The reason for the larger reduction in Wales is because we are equalising the size of the constituencies, and Wales is—without trying to use a loaded word—relatively over-represented, just in mathematical terms, compared with other parts of the UK. The Government think that we should treat all parts of the United Kingdom equally.

We have only made two exceptions out of those 600 seats, for two particular islands in Scotland where we think the geography is exceptional, using that word in its correct meaning. If you look across the United Kingdom, other Members have made cases for exceptions, for example for the Isle of Wight, and for other constituencies, and the Government do not find that those arguments stand up. We think that the principles should be equality, fairness and votes being of equal weight. We have made those two specific exceptions which we think were exceptional, but we do not think that others are justified anywhere in the United Kingdom—we are not specifically picking on Wales. Exceptions have been proposed in England, and we do not find them compelling either.

**Chair:** Thank you for that comprehensive response.

**Q80 Owen Smith:** May I also refer to some of the evidence that we have heard earlier this morning? A theme that came out of it from many of the experts who spoke was that they feel, as I feel, that this legislation is being rushed through with, in the words of the phrase that was used, “undue speed”. I think it is unseemly haste with which it is being railroaded through. Can you first address that question of why this needs to be done so quickly? On a related issue, why on earth are we getting rid of local inquiries? Is the reason that you simply want to railroad this through for political purposes?

**Mr Harper:** There are two separate reasons. The pledge for reducing the size of the House of Commons and having a boundary review was in the Conservative manifesto—indeed, reducing the size of the House of Commons was in both of the coalition parties' manifestos. The coalition agreement wants to reform the way Members of Parliament are elected to the House of Commons. We want to give the voters a choice in the referendum and we think that should be done at an early opportunity, which obviously means that the legislation needs to be brought forward at an early stage.

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We also want to get the boundary review under way. We think that the existing process for boundary reviews, whereby they can take between eight and 12 years, is simply too slow. The last general election was fought on boundaries based on electorates from 2000—they were a full decade out of date. We simply think that that process takes far too long. Internationally, it is extraordinarily long. Other countries manage to do this much more quickly.

So we want to get that boundary review under way and we want the referendum to take place next year. That necessitates bringing forward the legislation early. We think that we have allowed enough time for Parliament to debate it. So far, that appears to have been the case. We have added some extra time to protect the time that will be taken by statements, and we are keen to get all the key parts debated.

Actually, I think that the balance between the referendum part of the Bill and the boundary part of the Bill was agreed through the usual channels, and I think that there is the right balance to ensure that both important parts of the Bill are debated.

**Chair:** Mr Smith.

**Mr Harper:** Do you want me to pick up on the inquiry point?

**Chair:** Do you want to ask your next question, Mr Smith? And could we have very brief answers, please, because I also want to bring others in.

**Q81 Owen Smith:** It is difficult, being a Welshman called Smith. *[Laughter.]* We will catch up eventually. I would like you to address the question about inquiries, but I would also like you to reflect on another piece of the evidence that we heard earlier today. Essentially, it is the view of the electoral administrative officers that the way in which this is going through and the way that we will see coterminosity thrown out of the window will effectively render the logistics of delivering elections almost unworkable. So my contention is that you are pushing this through very quickly, and we may find that we are repenting at leisure, having legislated with undue haste.

**Mr Harper:** There are two issues there. Let me deal with the last one first.

The issue of whether Welsh Assembly constituencies and Westminster parliamentary constituencies should be coterminous is a separate question. The non-coterminosity has already taken place in Scotland without, it seems, causing any undue problems. So that is a separate question.

Let me deal with your question about local inquiries.

**Chair:** Very briefly.

**Mr Harper:** In the Bill, we have extended the time for written representations to be made, from one month to three months. We have looked at the academic evidence. All the academic evidence that we have looked at concludes that local inquiries do not add very much to the process and that they are largely an exercise in political parties trying to ensure that boundaries come out in a way to suit themselves. The academic views that we have looked at, quite widely, are that they think our process of moving to a longer period for written representations is actually an improvement and certainly not a reduction in the

ability for local people to comment on the boundaries that the independent Boundary Commissions will put forward. That is why we have made those proposals in the Bill and why we will take them forward. We will obviously be able to debate them next week.

**Chair:** I know that there are two more questions coming. Perhaps I can appeal for them to be very brief, with brief answers in response, and then both of you can get in.

**Q82 Jessica Morden:** Very quickly, the evidence that we had from the electoral administrators this morning was that they are very concerned about the AV referendum and the Welsh Assembly elections being on the same day. They are not concerned that people will not grasp the concept of having two elections on one day, but they are concerned about the actual mechanics of getting into the polling stations and the handling of the ballot papers. Are you absolutely sure that we will not see a repeat of the scenes that we saw in the general election?

**Mr Harper:** I am very clear that it will work. One of the reasons why we did not table the combination parts of the Bill, for example, and why we will do those later in the proceedings in Committee was to ensure that we worked with electoral administrators across the UK and with officials from the territorial offices, to make sure that the details for combination—whatever people think about whether or not we should combine them—work.

For example, one of the requests that we had was to ensure that the referendum was run on the same basis as the other elections taking place. For instance, in Scotland, Wales and Northern Ireland, the areas being used will be the same as those being used for the other elections. In England, it will be done on local authority boundaries and in Wales and Scotland it will be done on the parliamentary boundaries.

So we have looked at ensuring that the administrative arrangements are clear and sensible. The view that we have had from electoral administrators is that they are confident—as is the Electoral Commission—that the referendum can be delivered. That is what we are working towards. It is actually good planning.

**Chair:** Thank you, Minister.

**Q83 Geraint Davies:** To quote some of the witnesses from this morning, they said that the capacity for confusion is immense and that there are immense problems, almost to the point that it will be impossible to administrate, and that inquiries are being short-circuited and dumbed down. So those are some of the expert opinions that were given. I wonder how sensible it is to go forward with such haste, when some of the experts are saying that it will be a pig's breakfast.

On the point about inquiries, we are talking about a massive change now. I appreciate what you said about inquiries before, but isn't the fact that we are dumbing down inquiries basically gagging communities from having their say, so that we can have effective democracy just in order to act as a straitjacket for the future in terms of one size fits all?

**Mr Harper:** I don't think extending the period for written representations from one to three months,

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tripling the amount of time available for local people to write in with their views, amounts to gagging. It seems to me that that's exactly the opposite. We want local people to be able to write in with their views about boundary reviews. The Boundary Commissioners can then take them into account and produce revised proposals. People will then have a further three months to comment on the revised proposals before the Commissioners consider all those representations and produce their final proposals. It seems to me that that gives people ample opportunity—a lot more opportunity than now—to make sure the Boundary Commissioners are aware of local feelings and views.

**Q84 Geraint Davies:** But would they not just ignore anything that isn't tidy and numerical? All the stuff about links and jobs—won't they just be ignored?

**Mr Harper:** No. Parity is the most important criterion in the Bill, but they have flexibility—plus or minus 5% or around that. Also, the way they draw the boundaries will of course, as now, take into account those other things. They can take into account local authority boundaries and local ties as long as the seats are all broadly equal-sized.

**Q85 Chair:** Minister, I am looking at the clock in front of me, which gives me about 30 seconds to ask you this. What is the purpose of updating the Government of Wales Act, in particular schedule 7? Are you not concerned that by doing so we are presupposing that there will be a “yes” vote in the referendum?

**Mr Jones:** No. It is essentially so that when people vote in the referendum, they will know precisely what powers are proposed to be devolved to the National Assembly. Work has been proceeding quite expeditiously with the Assembly over the summer months, and we are hoping to lay the Order very shortly.

**Q86 Chair:** Is that likely to, as a constitutional measure, be discussed on the Floor of the House?

**Mr Jones:** That will be taken in Committee.

**Chair:** In Committee. Okay. Thank you very much indeed, Ministers.

**Mr Harper:** Time is so short.

**Chair:** It is. We would welcome you back any time.

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# Written evidence

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## Written Evidence from the Association of Electoral Administrators

### 1. INTRODUCTION AND SUMMARY

1.1 The Association of Electoral Administrators (AEA) is the professional body representing the interests of electoral administrators in the United Kingdom. Details about the AEA can be found in the Appendix to this paper.

1.2 This paper sets out the AEA's comments on the implications for electoral administration of the proposals currently before the UK Parliament. The information and views contained in this paper are offered as evidence to support the Welsh Affairs Committee ("the Committee") in producing its Report on the implications for Wales of the proposals. In accordance with the AEA's non-partisan and neutral position, this paper does not offer any views on the political implications of the alternative vote system, nor do we offer any comments on the arrangements for the regulation of loans and any other financial matters pertaining to permitted participants in the AV referendum.

1.3 The AEA's primary concern is about the scale and speed of the reforms set out in the *Parliamentary Voting System and Constituencies Bill* without the root-and-branch review of the electoral process we recommended in our post-election report.

1.4 There is insufficient time to properly assess the impact of the provisions in the Bill and in particular to scrutinise the detail of the rules for the referendum on whether the UK should move to the alternative vote system for UK Parliamentary elections ("the AV referendum"), and those for the alternative vote system.

1.5 It is unlikely that the Bill and supporting secondary legislation will meet the six months' rule set out by Gould<sup>1</sup> in his report on the 2007 elections in Scotland.

1.6 There will be a significant level of complexity arising from the decision to hold the AV referendum on the same day as national elections in Wales, Scotland and Northern Ireland, and local government elections in England and Northern Ireland.

1.7 The impact on both the administration of the polls and the various counts, and the potential for voter confusion should not be underestimated.

1.8 It is essential that the amounts (and any assumptions) and the guidance as to the fees and charges for the AV referendum should be confirmed as early as possible. There should be consistency and coordination between these arrangements and those proposed for the National Assembly for Wales (NAW) and, in particular, clarity about the arrangements for apportioning costs in the event of combination of polls at the AV referendum and the NAW elections. The AEA strongly urges the Committee to note this in its report.

1.9 The proposals contained within the Bill regarding changes to the way in which UK Parliamentary boundaries are reviewed would undoubtedly bring about the creation of many more constituencies that cross NAW constituency and local government boundaries. This would add considerable complexity to the arrangements for the conduct of UK Parliamentary elections in the future.

1.10 The AEA welcomes the certainty for planning purposes that would result from the introduction of fixed-term UK Parliaments.

1.11 The AEA strongly urges the UK Government to use this opportunity to review the length of the UK Parliamentary election timetable.

### 2. THE PARLIAMENTARY VOTING SYSTEM AND CONSTITUENCIES BILL

2.1 The *Parliamentary Voting System and Constituencies Bill* (subsequently referred to in this paper as "the Bill") would, if passed, introduce significant changes to the electoral process in the United Kingdom. The AEA is extremely concerned about the speed with which these significant reforms are being introduced without the root-and-branch review of the electoral process that we recommended in our post-election report, *Beyond 2010: The future of electoral administration in the UK*.<sup>2</sup>

2.2 Whilst the AEA recognises that the provisions contained within the Bill do not meet the Cabinet Office criteria to trigger an Impact Assessment, the UK Government and the UK Parliament should not underestimate the impact of these proposals on electoral administration at a time when local authorities are facing significant cuts in budgets and resources.<sup>3</sup>

2.3 Further, the AEA is concerned about the timescales for the drafting, scrutiny and passage of the legislation currently before the UK Parliament and the impact of these issues on the implementation of the new provisions, particularly in respect of the proposed AV referendum.

<sup>1</sup> [http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/23\\_10\\_07\\_votereport.pdf](http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/23_10_07_votereport.pdf)

<sup>2</sup> *Beyond 2010: the future of electoral administration in the UK*, [http://www.aea-elections.co.uk/downloads/reports/aea\\_election\\_report\\_final\\_PUBLICATION.pdf](http://www.aea-elections.co.uk/downloads/reports/aea_election_report_final_PUBLICATION.pdf)

<sup>3</sup> [http://www.cabinetoffice.gov.uk/making-legislation-guide/impact\\_assessment.aspx](http://www.cabinetoffice.gov.uk/making-legislation-guide/impact_assessment.aspx)

2.4 The AEA firmly supports the principle set out by Gould that, except in cases of unforeseen emergencies, changes to election law should not be applicable to any elections within a six-month period from the date the legislation comes into effect.

2.5 The proposed date for the poll at the AV referendum is 5 May 2011 and, if passed, the Bill requires this referendum to be run on that date. There is no provision in the Bill as currently drafted for any kind of postponement in the event of an emergency. The AEA assumes that in the event of extreme circumstances requiring the date of the AV referendum to be moved, further legislation would have to be passed by the UK Parliament to achieve this.

2.6 5 May 2011 is also the scheduled date for the polls at the elections to the National Assembly for Wales (NAW), Scottish Parliament, Northern Ireland Assembly, local government elections in England, including most of the parish and town council elections, some mayoral elections, and it is likely that there will be local government elections in Northern Ireland. In addition, there is the possibility of the polls at mayoral referendums in England and local government by-elections across Great Britain also being held on this date.

2.7 The NAW elections comprise two elections with combined polls. The first is based on constituency boundaries and elects 40 Assembly Members (AMs); the second is a regional election. The franchise for both elections is the local government franchise and the local government Returning Officer (RO) runs the elections (in respect of the regional election, the local government RO is appointed by the Regional Returning Officer as his/her Deputy). So, in practice, holding the AV referendum on the same day as the NAW elections would already lead to a three-way “combination” with:

- different franchises (NAW on local government franchise; the AV referendum on the UK Parliamentary franchise);
- different voting systems;
- different electoral areas (crossing local government boundaries); and
- costs to be split between NAW and the fees and charges for the referendum to be provided from the Consolidated Fund.

The AEA understands that it is the UK Government’s intention to introduce an amendment so that, in Wales, the local government RO (appointed under S35 (1A), Representation of the People Act 1983) would automatically become the Counting Officer for the “voting area”. We also understand that the intention is to make the NAW constituencies the “voting areas” for the referendum. These amendments would assist in mitigating some of the complexity outlined above.

2.8 However, an additional complexity in Wales is that the proposed Welsh referendum on law-making powers for the NAW may well be held in March 2011, just before the start of the timetable for the AV referendum and the NAW elections. The resulting pressure on the capacity of local authority electoral services to deliver all of these electoral events within the space of a couple of months should not be underestimated.

2.9 The AEA continues to be concerned about the trend for holding different electoral events on the same day, particularly where there are different voting systems and franchises in operation. Whilst we recognise the political and economic interest in doing so, the impact on voters and on the administration of polls should not be underestimated and careful consideration of these should inform the planning and the delivery of the various electoral events.

2.10 The potential for voter confusion and the additional workload in dealing with public enquiries arising from these different combinations of electoral events on the same day, held on different franchises and operating different voting systems, should not be underestimated. It is likely that returning officers would need to reduce, where practicable, the number of electors allocated to each polling station. This would increase the number of polling stations with a corresponding increase in the number of polling staff to ensure that the polls run efficiently and that adequate help is available to voters on polling day. These additional costs would need to be funded.

2.11 In addition, there would need to be a coordinated programme of voter education to support voters in understanding how to participate in the various elections and the AV referendum and the choices that they would be asked to make at the polls.

2.12 The Bill currently does not include provision for changing the arrangements regarding the close of poll to give effect to the recommendation by the Electoral Commission that electoral legislation should be changed to allow eligible voters present in the queue at the close of poll to be able to vote. If the UK Government intends to give effect to this recommendation in time for the elections in 2011, an early indication of this intention is essential.

2.13 Given the level of complexity outlined above, statutory officers need to begin planning now. However, to do so would be on the basis of a Bill that may or may not be passed, or that may be passed less than six months before 5 May 2011, and that is likely to be subject to amendment during its passage. The AEA understands that the UK Government proposes to introduce a substantial amendment to the Bill to set out the arrangements for combining the poll at the referendum with the polls at any other electoral events

on 5 May 2011. Whilst we welcome the clarity this will bring as to the intended combination arrangements, it is likely to result in significant changes to the Order amending the arrangements for the conduct of the NAW elections, resulting in increased complexity for electoral administrators in Wales at a late stage in the preparations for the national elections. Any amendments will require careful coordination between the two sets of legislation and association planning to ensure that the arrangements work together. In addition, the fees and charges Order setting out the funding available to deliver the AV referendum cannot be made until after the Bill has been passed by the UK Parliament. This is not the best way to achieve the professional conduct of electoral events that we believe that voters in Wales deserve and that electoral administrators want to deliver.

2.14 In addition, there must be clarity as to the proposed timetabling for the counts at the various electoral events, and particularly as to the proposed timing of the AV referendum count. If the AV referendum count is to take place at a time after the NAW counts have been concluded, it is vital that a realistic time is agreed for the start of the AV referendum count which recognises the length of time that is likely to be needed for the NAW counts.

### 3. THE STRUCTURE AND FUNDING FOR THE ADMINISTRATION OF THE REFERENDUM

3.1 The AEA notes that the Bill provides for the AV referendum to be conducted on local authority areas, through reference to “voting areas” in Clause 5, *Interpretation*, which refers to “a relevant area in Great Britain within the meaning of Part 7 of the 2000 Act<sup>4</sup> (see section 128(9) of that Act), or Northern Ireland”. The AEA supports this arrangement for England. The AEA understands that Cabinet Office officials are considering putting forward amendments to the Bill to determine appropriate and workable arrangements for “voting areas” in Scotland, Wales and Northern Ireland.

3.2 The AEA welcomes the proposals within the Bill for the fees and charges for the AV referendum to be on the basis of an “overall maximum recoverable amount” allowing for flexibility within that amount. Whilst we recognise that the funding arrangements, guidance and payment of any advances could not be delivered until the Bill receives Royal Assent, it is vital that arrangements are put in place to ensure that these are delivered as soon after that point as possible.

3.3 In Wales, any funding arrangements for the AV referendum must take into account the funding arrangements for the NAW elections. Careful coordination between the Cabinet Office and Welsh Assembly Government officials will be required to ensure that assumptions are consistent and that, in the event of combination, costs would be apportioned appropriately. In addition, there should be clarity and consistency about the way in which accounts would be required to be submitted to the Electoral Commission in respect of the AV referendum and to Welsh Assembly Government in respect of the NAW elections. The AEA strongly urges the Committee to note this in its report.

3.4 The impact of any proposed directions by the Chief Counting Officer on costs and resources needed to deliver the AV referendum and the other elections taking place on 5 May 2011 will need to be factored into the funding assumptions. It is essential that there is clarity as to which level of Government is to meet any such costs where such directions impact on or affect other elections.

### 4. THE AV REFERENDUM BALLOT PAPER AND OTHER PRESCRIBED FORMS

4.1 The AEA has submitted a formal response to the consultation by the Electoral Commission on the intelligibility of the AV referendum question.<sup>5</sup>

4.2 The AEA understands that the Electoral Commission plans to design all of the prescribed forms for use at the AV referendum and any combined polls, and to user-test these forms. It is essential that there is early clarity as to the format of all forms to be used at the AV referendum and other polls. Using the Gould principle of six months, we strongly recommend that the forms are available by the end of October 2010. Further, it is essential that there is clarity about any requirement to use the Electoral Commission’s forms for the other elections. It is assumed that the Electoral Commission will be making forms available in the Welsh language as well as in English.

4.3 Schedule 1, paragraph 3(4) of the Bill refers to the possibility of “two or more forms of ballot paper” being used in the AV referendum. There is, however, only one form of ballot paper prescribed in Schedule 2 of the Bill and we are currently only aware of one referendum question to be put before voters in respect of moving to the alternative vote system for UK Parliamentary elections. Therefore, the erroneous wording should be removed from the instances where it appears in the Bill, or the UK Government should clarify whether there is to be a further question and a separate ballot paper.<sup>6</sup> If the latter is the case, this would have a profound impact on the administration of the various polls proposed for 5 May 2011 and the AEA will want to review its position regarding the combination of those polls.

<sup>4</sup> The *Political Parties, Elections and Referendums Act* (PPERA) 2000

<sup>5</sup> [http://www.aea-elections.co.uk/downloads/intelligibility\\_referendum\\_question\\_aea\\_response.pdf](http://www.aea-elections.co.uk/downloads/intelligibility_referendum_question_aea_response.pdf)

<sup>6</sup> It also appears in Schedule 2, paragraph 41(6). There may be other instances.

## 5. THE ADMINISTRATION OF THE ALTERNATIVE VOTE SYSTEM

5.1 The AEA recognises the importance of having clarity on the face of the Bill about the electoral system on which people may be asked to decide in the AV referendum. Therefore, we understand the rationale for including the proposed amendments to the Parliamentary Election Rules (PER) that would be needed to operate the alternative vote system. However, it is the AEA's view that the administrative detail (the Rules for the conduct of elections) should be set out in secondary legislation so that those Rules can be amended more quickly should errors or defective drafting be discovered or required improvements identified. In addition, this would have given more time for proper consideration of the detail of the changed processes and procedures.

5.2 The wording of new rule 45A (inserted into the PER by clause 7 of the Bill) which contains the process for counting the votes using the alternative vote system is less than clear. Given that the purpose of the rules is to set out the process that returning officers and electoral administrators would be required to follow, it is unfortunate that these are not in plain language. Equally, this does not fulfil the intention of providing clarity about the alternative vote system being proposed. The AEA recommends that the UK Government brings forward an amendment to set out the process more clearly in the legislation.

5.3 The count process as contained in the Bill currently assumes manual counting of the votes at UK Parliamentary elections conducted under an alternative vote system. Given the current requirement to commence the counting of the votes at a UK Parliamentary general election within four hours of the close of the poll, the AEA would be interested to know what work the UK Government has undertaken to establish how long alternative vote counts are likely to take and any assessment of the impact on staffing and venue requirements.

## 6. THE IMPLICATIONS FOR ELECTORAL ADMINISTRATION OF THE PROPOSALS TO REDUCE THE NUMBER OF UK PARLIAMENTARY CONSTITUENCIES AND EQUALISE THE SIZE OF THOSE CONSTITUENCIES

6.1 The new approach to reviewing UK parliamentary constituency boundaries with its emphasis on numerical equality according to the "quota" set out in the Bill would undoubtedly bring about the creation of many more constituencies that cross NAW constituency and local government boundaries.

6.2 A key factor adding to the complexity of the UK Parliamentary General Election in May 2010 was that of coordinating across local authority boundaries in UK parliamentary constituencies comprising more than one local authority area or part thereof. This impacted on all aspects of the planning and management of resources and the processes to be used. It also complicated issues relating to customer service.

6.3 The relevant statutory officers, including the electoral registration officers and returning officers for the different elections need to work together to achieve a single outcome, namely, the effective conduct of the elections. The level of planning and coordination required is substantial and urgent work needs to be undertaken to understand the likely scale of the impact on the resources and costs for future UK Parliamentary General Elections.

6.4 While the AEA is committed to developing and sharing good practice on cross-boundary working amongst its membership, it is also important that legislators and the Boundary Commissions consider the administrative impact of the proposed new approach and seek to achieve, in as many cases as possible, coterminosity with other electoral boundaries. Electoral areas need to function as administrative entities as well as representative ones.

## 7. THE IMPLICATIONS FOR ELECTORAL ADMINISTRATION OF THE PROPOSALS TO ESTABLISH FIXED-TERM UK PARLIAMENTS OF FIVE YEARS

7.1 Currently, the date of the UK Parliamentary General Election is not fixed and the election can be called at any time. This has a significant impact on the planning and contingency arrangements that returning officers must have in place to deal with the uncertainty around timing. The AEA welcomes the UK Government's proposal for fixed-term UK Parliaments in that it will bring certainty for planning purposes.

7.2 However, the *Fixed-term Parliaments Bill* states in clause 1(2) that the "polling day for the next parliamentary general election after the passing of this Act is to be 7 May 2015". This is also the date fixed for elections to the National Assembly for Wales in 2015. Given the different electoral systems that will be used for the two elections (First past the post (FPTP) or Alternative Vote (AV) and Additional Member System (AMS) respectively), the proposition does not take account of the recommendations made by Gould that elections with different systems should not be held on the same day.

7.3 In addition, in 2015 there are scheduled elections to the Scottish Parliament (AMS), Northern Ireland Assembly (Single Transferable Vote (STV)) and local government elections in Northern Ireland (STV). The same issue will apply to the large number of local government elections in England scheduled for that date if the UK Parliamentary General Election is held on an AV system.

7.4 The introduction of fixed-term UK Parliaments would present an opportunity for a wider consideration of electoral cycles to establish more consistent and workable arrangements.

7.5 The AEA is concerned that the *Fixed-term Parliaments Bill* retains the 17-day statutory election timetable for UK Parliamentary general elections and so does not address the many issues raised in our post-election report regarding the impact on the administration, integrity and service to voters of the shortness

of the current timetable. In our report we strongly recommended that the timetable should be extended to 30 days, that timetables across all elections should be consistent, and that the various deadlines within the timetable should be reviewed. The move to fixed-term UK Parliaments would offer a real opportunity to make these changes.

7.6 In addition, the proposed introduction of fixed-term UK Parliaments offers an opportunity to put in place a planned approach to funding with early confirmation of the fees and charges for the election and timely guidance.

7.7 The *Fixed-term Parliaments Bill* contains provisions to enable the Prime Minister to alter the date of the general election within a two-month period before and after the scheduled date. The *Explanatory Notes* to the *Fixed-term Parliaments Bill* (paragraph 14) indicate that this provision is intended to cover emergencies such as was the case with foot-and-mouth in 2001. The AEA is content that the use of a statutory instrument requiring approval by both Houses of the UK Parliament would give sufficient scrutiny of the reasons for the alteration and also provides sufficient certainty about the degree of alteration, allowing for appropriate contingency plans to be drawn up in advance and brought into effect by returning officers.

7.8 The *Fixed-term Parliaments Bill* proposes that a general election could be called if there was a vote for a motion expressing no confidence in the Government, requiring two thirds of MPs to vote in favour of that motion, and if 14 days then pass without a motion by the House of Commons expressing confidence in any new Government. We are unclear if this latter motion would also be subject to the “two thirds” threshold contained in clause 2, (1)(c).

7.9 The AEA notes that the dissolution of the UK Parliament would not automatically follow immediately after the triggering events set out in clause 2, but, as outlined in the *Explanatory Notes* (paragraph 19), “can be timed so that, for example, essential business can be completed or the date of the election can be set to fall on a Thursday”. We welcome the clarity that this will provide in such circumstances in order that returning officers and electoral administrators can amend their plans for the conduct of the election, and so that timely information can be provided to the public about participating in the election.

September 2010

## APPENDIX

### BACKGROUND INFORMATION ABOUT THE ASSOCIATION

The Association of Electoral Administrators (AEA) was founded in 1987 and has since established itself as a professional body to represent the interests of electoral administrators in the United Kingdom. It is a non-governmental and non-partisan body and has some 1,650 members, the majority of whom are employed by local authorities to provide electoral registration and election services.

The AEA encourages and provides education and training in electoral administration, in addition to delivering a range of commercial and professional services.

The AEA operates through a branch structure with 11 branches covering the United Kingdom. In Wales, the AEA branch meets three or four times a year, giving members the opportunity to discuss matters relating to the conduct of elections and electoral registration in addition to taking part in training activities.

The key aims of the AEA are to:

- contribute positively to electoral reform within the UK;
- foster the advancement of consistent and efficient administration of electoral registration and the conduct of elections in the UK;
- raise the profile of electoral administration both within the UK and internationally; and
- enhance and maintain the AEA’s reputation as the leading professional body for electoral administrators within the UK.

The AEA supports and advocates the principle that all those with a role in organising elections should consider the voters’ interests above all other considerations.

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### Written evidence from the Boundary Commission for Wales

#### INTRODUCTION

1. The Parliamentary Boundary Commission for Wales (BCW) is an advisory Non Departmental Public Body sponsored and wholly funded by the Cabinet Office. The Commission submits reports to the Secretary of State and it is his statutory duty to lay them before Parliament. The Speaker of the House of Commons is the ex-officio Chairman of all four Parliamentary Boundary Commissions in the United Kingdom. The appointment of the Speaker emphasises the independence, impartiality, and non-political nature. The Speaker plays no part in the conduct of reviews. The Deputy Chairman, who presides over the meetings, is a High Court Judge: the Honourable Mr Justice Lloyd Jones. The Members are Mr Paul Wood and Mr John Bader.

2. This evidence only addresses Part 2 of the Bill, since Part 1 deals with matters in which the Commission have no locus. However, we note that since both First-Past-The-Post and Alternative Vote result in the election of a single member for each constituency, the requirements of constituency design will be the same for both systems.

3. We will be happy to discuss any of the matters in this evidence when we attend the Committee's evidence session. The evidence has been divided into the following general topics:

- the resource implications for the each of Commissions of the review process provided for in the Bill;
- the practical implications of the rules as set out in the Bill for the approach by the Commissions to a review;
- the provisions in the Bill on consultation; and
- other issues.

#### RESOURCE IMPLICATIONS

4. The changes to the review process will reduce the resource requirement of each review slightly, but the time between reviews will be approximately half the present frequency. Therefore the effect of the Bill will be to increase the overall resources required for boundary reviews. The secretariats of each country have estimated that, for the Bill as introduced, the first reviews after its passage would cost a total of £12.8 million for the UK. For Wales, it is estimated that the total cost will be £1.9 million. The corresponding cost of the last reviews (5th Periodic Reviews) was a total of £13.6 million for all four countries. The corresponding cost of the last review for Wales (Fifth Periodic Review) was £645K. The reason for the higher cost of the proposed review is that the Secretariat is engaged in a review of the electoral arrangements for the principal local authorities in Wales and additional staff will be necessary to commence the parliamentary work. The arrangements in Wales are that the secretariat acts jointly for the Local Government Boundary Commission (LGBCW) and the BCW. During the Fifth Review there was a not significant level of activity taking place for the LGBCW which meant that no additional staff were needed.

5. The resource estimates have been made prior to decisions by the Commission on how best to carry out the review and therefore should be regarded as preliminary. Also, estimates have been made on the provisions of the Bill as introduced: amendments to the Bill may have resource implications. These have not been factored into the current estimate.

6. We note that the Commission will retain the power to request the appointment of Assistant Commissioners, and may wish to exercise that power to obtain expert assistance in assessing and reporting on written representations.

7. Currently within the Wales Commissions, Secretariat staff are continuously employed, with their tasks changing between Westminster, devolved body and local government reviews. The Bill would increase the variability of the workload making the recruitment and retention of staff with the specialist skills required more important for the future.

#### PRACTICAL IMPLICATIONS

8. When designing constituencies, each Commission develops a scheme that fits the whole of its area of responsibility. Therefore it is not possible to say that constituency design has any particular geographic starting point.

9. The changes to the total number of constituencies, and the limited flexibility on the number of electors in each constituency, are likely to require a complete redrawing of constituency boundaries.

10. Many of the practical implications of the Bill result from the electoral parity target to be applied under the new Rule 2(1). The electoral parity target may require the Commissions to work with electorate data below electoral division (ward) level in some cases.

11. In Wales, early modelling suggests that the proposals for greater electoral parity may be achieved by using electoral divisions (wards) as building blocks for constituencies. Should a smaller unit be required, community areas (parishes) are defined across all of Wales. Thus, the Welsh Commission expects that it will be able to use a consistent and recognisable approach to constituency design across Wales.

12. The Bill limits the maximum geographical area of any constituency, and exempts constituencies close to this maximum from the lower limit on electoral parity. This only applies if a Commission is satisfied that it is "not reasonably possible" to meet the electoral parity target. This exemption will only apply in highland Scotland. The Scottish Commission will examine how to design constituencies within these new rules: their Secretariat's current view is that there are likely to be zero, one or two constituencies to which this exemption applies.

13. The electoral parity target will result in many constituencies crossing local authority boundaries. Early modelling suggests that in Wales between 23 and 28 constituencies would cross a local authority boundary. The application of an electoral quota that represents the UK electorate could mean that in creating constituencies within the +/- 5% tolerance, we may have to work to a tolerance of +/- 3.3% in Wales in practice. This would arise for example if, the electorate of Wales were equal to 30.45 times the

electoral quota, but due to rounding would be allocated 30 constituencies. In other words the .45 of electors of a constituency would then be spread over the others—and it is that process that would result in the reduction of the tolerance to below 5%. Having examined such a scenario, we believe that are able to achieve that.

14. In Wales, local authority boundaries will be considered wherever possible, but as noted above, most constituencies are likely to cross a local authority boundary.

15. The Bill continues to give the Commissions discretion in constituency design, within the electoral parity and area requirements. We believe that this discretion is essential in order to retain, as far as possible a local dimension to an otherwise mathematical exercise.

16. However, the application of the electoral parity target is likely to result in some communities feeling that they are being divided between constituencies.

#### CONSULTATION

17. The Commission's experience from previous reviews is that many of those attending local inquiries have a specific party political affiliation which significantly determines their evidence. In practice, the main participants at inquiries have been representatives of political parties and local authorities.

18. While most of the issues which are raised are presented through written evidence to the Commission, others only emerge at an inquiry. During the Fifth Review all who asked to speak at inquiries were requested to make available a copy of their speaking notes. A longer consultation period should improve the quality of arguments and evidence presented in written submissions for two reasons: it will be the only means of presenting an argument, and a 12 week consultation period will allow for more detailed preparation of an argument. The Bill does not specify the means of making representations. We believe it should specify written representations, to allow full and fair assessment of all representations.

19. Schedule 1 to the 1986 Act is not amended by the Bill, and allows a Commission to request the appointment of Assistant Commissioners. It may be that a Commission may still find it useful to ask an Assistant Commissioner to assess and evaluate some of the written evidence submitted to the Commission.

#### OTHER ISSUES

20. The Bill decouples Welsh Assembly constituencies from Westminster constituencies and removes any power to review Welsh Assembly constituencies after the completion of a set of interim reviews currently in progress. We have commenced several interim reviews in Wales in order to correct some of the anomalies that we have between parliamentary and Assembly constituency boundaries arising from minor changes to local government boundaries. The advantage from this work is not for the parliamentary constituency boundaries, of course, since these are to be addressed under this new Bill. However it will be advantageous for the co-terminous Welsh Assembly constituency boundaries because those anomalies will be put right.

21. It is understood that the Government intends to bring forward further legislation in due course to provide for future Welsh Assembly constituency reviews. The timing of such reviews will have an important impact on how the joint secretariat will efficiently manage its resources for local government, Westminster and Welsh Assembly reviews, assuming that there will still be a requirement for this.

22. Strict electoral parity, and a fixed total number of constituencies, will result in frequent constituency redesign. For example, looking at electorate data from the last 10 years, Scotland's, England's and Northern Ireland's allocation of constituencies would have changed on each occasion if reviews had been held five-yearly since 2000. However, Wales' allocation would have been unchanged. When the number of constituencies in a country changes, it is likely that many constituencies will have to change in order to ensure continued compliance with electoral parity.

23. Reference has been made concerning the accuracy of the electoral registers and whether population figures would be a more appropriate basis for determining constituencies. The problems with using population data are twofold. Firstly, population data is only calculated and published at the council level, not at electoral division or any other unit below council. Secondly, population data is either an estimate or a projection, not a count, and therefore contains uncertainties. The only population count which is available is the 10-yearly census which is too infrequent to be useful for the purpose of constituency design.

24. The electoral registers are subject to cleansing at regular intervals by the Electoral Registration Officers of the local authorities and through the "rolling register" would provide data that is more robust than population estimates.

### Written Evidence from The British Academy Policy Centre

*The Parliamentary Voting System and Constituencies Bill* will have a major impact on the pattern of representation in the House of Commons throughout the United Kingdom.

The impact will be especially great in Wales because the Bill both reduces the total number of MPs, from 650 to 600, and replaces the separate electoral quota for each of the four territories by a single UK quota. At the 2010 general election, there was an average of 56,545 electors across the 40 Welsh constituencies, compared to 63,101 in Northern Ireland, 65,498 in Scotland, and 71,882 in England. The UK quota for the next review of constituencies—that must be completed by 1 October 2013, according to the Bill—will be c76,000.

Applying this quota will almost certainly mean that the number of constituencies allocated to Wales will be reduced from the current 40 to 30, a 25% reduction. (The reductions for the other territories will be 17, 16 and 5% for Northern Ireland, Scotland and England respectively.) This reduction, and the requirement that all constituencies have an electorate between 95 and 105% of the UK quota, means that an entirely new set of constituencies will have to be drawn up for Wales. None of the existing constituencies is likely to remain in anything like its current form: at the time of the 2010 general election only one of the 40 Welsh constituencies—Cardiff South and Penarth—had an electorate within the specified range (ie probably between 72,200 and 79,800, given a quota of c76,000).

The Bill includes a new set of rules that the Boundary Commission for Wales must implement when proposing new constituencies. These make equality of electorates the primary criterion and all others—such as respecting local authority boundaries, special geographical considerations, breaking local ties, and the inconveniences that would be caused by changes—are subsidiary to it. (There is a special provision that no constituency should be more than 13,000 square km and that a Commission can propose a constituency with a smaller electorate if it cannot identify one in a sparsely-populated area that meets the +/-5% size constraint. This is unlikely to apply in Wales. If it did, it would not mean that Wales obtained an additional constituency; instead the average electorate for the other 29 would have to be slightly higher than 76,000 to compensate for the smaller one.)

Because electorate size is paramount in these rules, many constituencies will have to cross local authority boundaries; many MPs will be serving a territory covered by more than one of the current local authorities: it is also very likely that some boundaries of the “preserved counties” used in previous reviews will have to be crossed. Furthermore, in some areas—especially though not only urban areas—it will probably be necessary to split some electoral wards between constituencies (probably by polling districts) in order to fit every constituency within the size constraint.

The Bill also changes the method of public consultation to be used by the Boundary Commissions. In particular, it precludes the holding of public inquiries in areas where there are objections to a Commission’s provisional recommendations. It specifies a 12-week period after publication of those recommendations during which written representations can be made (previously the period was four weeks). If it subsequently changes its recommendations, it must publish those, but there is no provision for further representations.

Because of the major transformation that implementation of this Bill will have on the UK’s political map the British Academy asked an expert group to prepare a report on it and its implications.<sup>7</sup> The report covers the entire UK but most of its points are relevant to the Welsh situation, and some of the examples are Welsh.

That report suggests a small number of technical amendments to the Bill, including:

- A provision that all four Boundary Commissions, and not just that for Northern Ireland, have regard to ward, electoral area and electoral division boundaries when defining constituencies. The Deputy Prime Minister stated in the House of Commons that this should be the case—as it has been at all previous reviews—but the Bill is not specific on that point.
- That the public consultation process be extended, allowing a further four-week period after representations have been received, and published by the relevant Commission, for interested parties to comment on those representations. All of the representations relating to an area should then be considered by an Assistant Commissioner who prepares a report, with recommendations, for the Commission, that report to be published on submission.
- A slight relaxation of the size constraint. The Bill recognises—in rule 7—that it may be difficult to meet that constraint in Northern Ireland because of the small number of constituencies, but the proposed formula is deficient. Similar problems may emerge in Wales. The amendment suggests that a better way is to require each Commission to produce constituencies that are within the national allowed variation (ie with a quota of 76,000, 5% is 3,800) of the average constituency electorate in the relevant territory. (Thus if the average Welsh constituency electorate was 75,400, all constituencies there would have to fall within the range 71,600–79,200.)

<sup>7</sup> www.britac.ac.uk

The Bill requires the Commissions to deliver their reports on their first reviews after the Bill is enacted by 1 October 2013, which is 18 months before the date of the next scheduled general election—according to the Fixed-term Parliaments Bill also currently before Parliament. They are required to deliver their next review in October 2018, as part of a regular five-yearly cycle. The British Academy report notes that if Parliament is dissolved and an early general election called this would not only break that cycle and the link with boundary reviews but also, in some cases, make it very difficult to hold a general election. It recommends that Parliament consider the options in such circumstances and whether these should be catered for in the legislation.

September 2010

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### Written Evidence from Lewis Baston, Democratic Audit

I am currently senior research fellow with Democratic Audit and it is under the auspices of Democratic Audit that I offer these observations on the Parliamentary Voting Systems and Constituencies Bill. Previously I was Director of Research at the Electoral Reform Society (2003–10) and I have been author and co-author of several books on constituencies and political geography, most notably *The Political Map of Britain*. I also wrote in February 2010 about the impact of this proposal on the governance of Wales. I am grateful to the Committee for inviting me to submit evidence.

#### INTRODUCTORY REMARKS

1.1 Most of the smallest constituencies—other than those the government proposes to exempt from equalisation through the island exceptions or the land area constraint—are in Wales. A large part of the project of “equalising” constituency electorates involves reducing Wales’s representation at Westminster.

1.2 It is welcome that the Welsh Affairs Select Committee is raising the Welsh dimension in its hearings. This may be the only opportunity for these important matters to be discussed because of the very compressed timetable for the Bill in parliament and the lack of any attempt at consultation or research in advance of presenting it.

#### DEVOLUTION AND WELSH REPRESENTATION AT WESTMINSTER

2.1 It can be reasonably asked why Wales should be over-represented in the UK Parliament when it has its own Assembly. However, the continuing close relationship between the legislative processes at Westminster and Cardiff Bay means that Welsh devolution is dependent on the co-operation of Westminster, and that the Assembly lacks the ability to pass primary legislation. Wales, in the Bill is treated like Scotland (or actually less favourably, given the exemptions from equalisation that the two Scottish island groups enjoy) despite the difference in the degree of devolution.

2.2 Constitutional change in Wales is an evolving process, and the current Bill creates what might be considered an anomaly. Scottish representation at Westminster was scaled down by application of the English quota in 2005, as part of a *quid pro quo* for full legislative devolution. It is proposed that Wales be similarly downsized whether or not the Assembly gains further powers—which in any case fall well short of the powers devolved to Scotland.

2.3 There is a reasonable case for delaying the entire boundary review process until the outcome of Wales’s own referendum on the transfer of powers is known. One cannot proceed simply by taking Wales last in the review process, as the allocation of numbers of seats to the four nations of the UK is the first stage. There is a debate to be had about the relationship between Assembly powers and Wales’s representation at Westminster. The government’s parliamentary timetable for this Bill, the lack of prior consultation, and the number of other issues wrapped up in the Bill, all mean that the discussion on Wales is being telescoped.

#### SMALL NATIONS WITHIN STATES, AND THE BALANCE BETWEEN NATIONAL AND INDIVIDUAL REPRESENTATION

3.1 Many constitutional systems recognise the balance between population and the different national or sub-national entities within a state through using different philosophies of representation in a bicameral system for each house, and having strong powers for the second chamber. The extreme example is the United States, with a rigidly population-based House and a Senate with practically equal powers where California (population 37 million) has the same representation as Wyoming (population 544,000). The same pattern is also to be found in the powerful elected Senate in Australia, and to some extent the indirectly elected Bundesrat in Germany.

3.2 It is significant that the highly equalised lower house boundaries in Australia and the United States are accompanied by strong second chambers which are anything but equalised in terms of seats per elector. In neither state is arithmetic equality considered a sole basis for representation in the national legislature.

3.3 The Bill proposes adopting only one half of the American/ Australian philosophy. The powers of the second chamber in the UK are very weak by comparison with those countries, and neither the current unelected body (nor proposed replacements) is capable of the same balancing role within a federal (or in our case quasi-federal) parliament.

3.4 There is therefore an argument that Wales's over-representation in the House of Commons performs an analogous (although much less powerful) function to the over-representation of small states in the senates of other countries. I am not suggesting that Wales should necessarily preserve 40 seats out of 650, merely that it is not obvious that downsizing it to 29–30 is the right thing to do.

#### MINORITY REPRESENTATION AND WALES

4.1 Many countries, even those with very proportional electoral systems, allow some sort of guaranteed representation of indigenous linguistic and national minorities. Italians and Hungarians have reserved seats in the Slovene parliament, the Faroese and Greenlanders have special seats in the Danish parliament, Nunavut is a small seat in Canada, and so on. In the United States, the Voting Rights Act means that single-member districts are drawn to ensure proportionality of representation of African-Americans and Americans of Hispanic origin.

4.2 Wales and Scotland both have indigenous languages with minority status within the UK. The community of Scottish Gaelic speakers has de facto protected status within the existing Bill, with a majority-Gaelic seat guaranteed in na h-Eileanan an Iar and influence within several undersized Highlands constituencies. This is not unreasonable on its own terms, although the community amounts to only around 59,000 Scots (1.1% of population there, and less than 0.1% of the UK population). Welsh speakers within Wales amount to 21% of the total, 611,000 people (around 1 per cent of the UK population). There are currently five majority-Welsh constituencies: Ynys Mon, Dwyfor Meirionnydd, Arfon, Ceredigion and Carmarthen East and Dinefwr. All of these are undersized, and the Bill will mean reduction accompanied by radical boundary changes. The Bill risks severely depleting the representation of Welsh-speaking areas in the UK Parliament.

#### GEOGRAPHICAL FACTORS AND NORTH WEST WALES

5.1 Adding to the possible rationale for giving Welsh-speaking Wales some latitude is the fact that much of the area concerned is geographically difficult, particularly in the mountainous north west (hence the lenient treatment it has been shown in successive boundary reviews under Rule 5, which the Bill proposes to scrap) and the island of Anglesey.

5.2 Admittedly, Ynys Mon is not quite comparable to the Scottish islands or the Isle of Wight in that it has a bridge to the mainland, but neither is it as far from the UK quota of registered electors as any of these places. If na h-Eileanan an Iar with 23,000 deserves a major departure from the quota because of its geographical isolation and cultural distinctiveness, then Ynys Mon with 50,000 should probably be entitled to a bit of consideration for its own circumstances. Dwyfor Meirionnydd with 45,000, a distinct culture and difficult physical geography, is also a candidate for special treatment. The Boundary Commissions collectively, and the Boundary Commission for Wales, should be permitted to consider such factors.

5.3 The treatment of these areas in the Bill contrasts strongly with the consideration shown to the Scottish islands and constituencies in the north of Scotland with one particular form of geographical difficulty, namely large land area.

#### ASSEMBLY AND WESTMINSTER ELECTIONS

6.1 Although it is not one of the more transparently written sections of the Bill, Section 11 appears to “decouple” Assembly and Westminster constituencies. This is necessary to avoid the absurd consequences for the Assembly that would follow from failing to do so and to which I referred in my report for the Electoral Reform Society entitled *Reduce and Equalise and the Governance of Wales*.

6.2 The government's intention to hold the next Westminster election in May 2015 presents significant problems. The elections for Westminster and the Assembly would be taking place on different systems on the same day, and more complicatedly on two sets of boundaries which will hardly ever correlate with each other. The alternative of postponing the Assembly elections by a month is hardly ideal, placing this important election at a time when voters and parties will be suffering “election fatigue”.

#### THE VOTING SYSTEM REFERENDUM

7.1 It is common practice in many countries to have referendums alongside elections—particularly in the United States where in some states a long list of propositions is appended to the ballot paper every second November. For reasons of administrative convenience, cost and maximising turnout there is a logic to combined elections that has been followed for the last two European Parliament elections. The aim of high participation in a referendum is best served by a combined election.

7.2 Conceptually, electing an Assembly for Wales is a different sort of task from deciding to vote Yes or No in a referendum. Electing the Assembly and Westminster alongside each other in 2015 is much more complicated in that the tasks of the two bodies are still intertwined, and the choice voters make involves trying to take a view in the round about the qualifications of candidates and the order of priority between issues. It is much harder to envisage the issues for Wales and Westminster being adequately and separately discussed than for distinct discussions to take place on the electoral system and Wales.

24 August 2010

#### Additional written evidence from Lewis Baston

The following is a revision to the boundary scheme outlined in my Electoral Reform Society publication *Reduce and Equalise and the Governance of Wales*<sup>8</sup> published earlier this year. It is based on the most recent ward electorate figures supplied by the Boundary Commission for Wales and available from their website.

Mold and Shotton	74,848
Flint and Rhyl	72,846
Denbigh	73,084
Wrexham	72,884
Conwy and Abergelhe	74,309
Anglesey and Bangor	73,406
Gwynedd and Machynlleth	75,507
Brecon and Montgomery	74,128
Ceredigion	76,217
Pembroke	76,214
Carmarthen	74,315
Llanelli	76,283
Swansea North and Loughor	74,455
Swansea West and Gower	75,849
Swansea East and Vale of Neath	77,502
Neath and Aberavon	72,918
Bridgend	73,224
Rhondda and Ogmore	72,593
Pontypridd and Aberdare	72,659
Vale of Ely	73,604
Barry and Penarth	72,778
Cardiff West	77,832
Cardiff Central	74,863
Cardiff North East	73,752
Merthyr Tydfil and Ystrad Mynach	75,255
Blaenau Gwent and Tredegar	76,279
Torfaen	73,047
Caerphilly	75,395
Newport	77,257
Monmouth	76,973

The revisions are mostly on a small scale, and improve numerical equality while also in some cases improving the shape or reducing the number of wards split or local authority boundaries crossed.

In Gwynedd and Clwyd the boundaries are exactly as proposed in the ERS publication.

In Powys an error in the original scheme is corrected—Banwy, Llanfair Caereinion and Rhiwcyon are allocated to Gwynedd and Machynlleth, and Caersws to the Ceredigion and Rhaeadr constituency. In addition, the whole of Llanafanfawr can go into Brecon and Montgomery, as can the wards placed in Carmarthen in the original scheme (Llanwrtyd Wells, Maescar).

In Dyfed, an error in the original scheme is corrected (St Dogmael's, not Sceddau, is in Ceredigion and Rhaeadr). In addition, the whole of Llangydeyrn is allocated to Carmarthen.

In West Glamorgan whole wards are allocated, with all of Mawr and Llangyfelach going to Llanelli and all of Clydach to Swansea North and Loughor.

In South Glamorgan the original scheme would have created several seats that on updated electorate figures would be too small. Grangetown is transferred to Cardiff Central, but all of Heath comes into Cardiff West, as do Ely and Caerau; Radyr goes out. Barry and Penarth now contains only whole wards, gaining Peterstone but losing all of Llantwit Major.

<sup>8</sup> [www.electoral-reform.org.uk](http://www.electoral-reform.org.uk)

In Mid Glamorgan the Vale of Ely needs to compensate for its losses to Cardiff West, and shifts further north, picking up Brynna and Tonyrefail from Rhondda and Ogmore (which in turn picks up Bryncoch and Bryncethin from Bridgend and Cymmer and Rhondda wards from Pontypridd). Aber Valley transfers from Caerphilly to Pontypridd & Aberdare, and Abercarn from the Blaenau Gwent seat to Caerphilly (as does Tredegar Park from Newport). Also in Gwent, the border of the existing constituencies of Monmouth and Torfaen can be maintained, putting Croesyceiliog back in Monmouth.

October 2010

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### Written Evidence from Her Majesty's Government

#### INTRODUCTION

1. The Government welcomes the Welsh Affairs Committee's interest in its plans to restore public confidence in our political system in the United Kingdom through the Parliamentary Voting System and Constituencies Bill (the "Bill").

2. This Memorandum follows the structure of the Committee's questions contained in the press notice announcing the inquiry.

#### EQUALISATION OF PARLIAMENTARY CONSTITUENCIES IN THE UK

3. The Bill delivers a key commitment in the coalition programme for government to provide for the creation of fewer, more equal sized constituencies across the United Kingdom and hold a referendum on the alternative vote system for electing Members of Parliament.

4. The Government believes it is wrong that at present there is significant inequality in the size of parliamentary constituencies, which means that a vote is worth more or less depending on where electors live. Under the proposals in the Bill, an electoral quota for the United Kingdom will be established based on the electoral register. Each constituency would be required to be within 5% either side of the quota, subject to two tightly drawn exceptions.

5. The Boundary Commissions will complete the process of drawing up the new constituencies, and report before October 2013 to allow candidates to be selected for the 2015 election.

6. Reducing the size of the House of Commons will cut the cost of politics and is a cornerstone of the reforms this Government has proposed. Reducing the number of MPs will also bring the House of Commons more into line with the size of other legislatures across the world.

#### *The Principle of Equality*

7. Equality and fairness across the United Kingdom is an overriding principle of these reforms. It is clearly fair that votes cast at parliamentary elections across the United Kingdom should be of broadly equal value. Currently they are not. Wales is markedly over-represented at Westminster. The Welsh electorate of 2.26 million is almost exactly 5% of the United Kingdom total, yet the 40 parliamentary constituencies in Wales is over 6% of the current total of 650. The electoral quota for Wales's forty constituencies averages around 56,500, the lowest of the four nations in the United Kingdom. Welsh constituencies now have on average some 20% fewer electors than constituencies in England; almost 14% fewer than constituencies in Scotland; and some 13% fewer than constituencies in Northern Ireland.

8. The Government believes there is no justification for Wales's continued over-representation at Westminster. Redrawing constituencies will make representation in the House of Commons fairer, and gives everyone's vote more equal weight, wherever they live. The changes are not short-changing Wales. Following the reforms a vote cast in Wales will be worth the same, no more and no less, than a vote cast elsewhere in the United Kingdom. Wales will continue to have a strong voice at Westminster, with the same degree of representation as elsewhere in the United Kingdom.

9. Within this low electoral quota overall, disparities in the size of constituencies within Wales are also readily evident. For example, the vote of an elector in Arfon, with an electorate of around 41,000, is worth almost twice that of an elector in Cardiff South and Penarth, with an electorate of over 73,000. The votes of electors in Aberconwy, Dwyfor Meirionydd and Montgomeryshire, all with electorates below 50,000, are worth considerably more than those in the Vale of Glamorgan, with an electorate of over 70,000.

10. The Government believes that, again, there is strong justification for ending this manifest inequality. The requirement in the Bill that constituencies should be within a 5% tolerance of the UK electoral quota (around 76,000 using the register from 1 December 2009) will mean constituencies would, in future, have an upper size limit of around 80,000 and a lower limit of a little over 72,000, ensuring a fairer, more equal distribution of electors between constituencies.

*Preserved Constituencies*

11. There will be only two exceptions to the new rules named in the Bill—the dispersed island groups of Orkney and Shetland and Na h-Eileanan an Iar (the Western Isles). In both of these cases geographical location and remoteness make any change to the boundaries completely impractical. Orkney and Shetland was explicitly excepted in law by the Scotland Act 1998 and the Western Isles has been recognised as an exception in practice since 1918.

12. The Government believes there is no case for other island constituencies to be preserved in the same way. Ynys Mn (Anglesey) for instance has close links to the mainland, including direct connections by road and rail. A new constituency bridging the Menai Straits is perfectly feasible in order to secure a constituency broadly the same size as elsewhere in the country.

13. Excepting the two preserved constituencies, the Government's priority is that a person's vote is of equal worth wherever they live in the United Kingdom. That means drawing up constituencies on the basis of a single electoral quota for the United Kingdom, and permitting only a limited variation, not exceeding 5%, from that quota.

*The Effect of Devolution*

14. Scottish over-representation was substantially reduced by the repeal (in the Scotland Act 1998) of the minimum number of constituencies in Scotland. As a result of devolution, Scottish representation was reduced in 2005 to 59 from the previous total of 72. Some have argued, with the Scottish experience in mind, that Welsh representation should not be reduced unless and until the people of Wales vote in favour of full law-making powers for the Assembly in a referendum. The Government and the Welsh Assembly Government are working towards holding the referendum in the first quarter of 2011, but the Government sees no case for awaiting the outcome of the referendum before implementing the changes set out in the Bill. The purpose of the changes is that all constituencies in Wales, England, Scotland (except the preserved constituencies) and Northern Ireland have broadly the same sized electorates, irrespective of the extent of devolution in these nations.

15. Others have taken an opposing view; that given the establishment of the National Assembly for Wales and the extent of devolution to the National Assembly and the Welsh Assembly Government, Wales's representation at Westminster should be proportionally less than that of England, not the same. The Government disagrees with this view. Since devolution, Parliament continues to legislate for the whole of the United Kingdom on matters that are non-devolved, including social security, tax, immigration and defence. It is surely right in principle that the people of Wales should have the same level of representation in respect to these matters as the people of England, Scotland and Northern Ireland.

*The Electoral Rules*

16. The current Electoral Rules require each Boundary Commission to draw up seats of equal size in their respective areas of the United Kingdom, and to have regard to local considerations in doing so. But the current rules are flawed, with some rules in tension with each other, and the overall effect is that some constituencies are quite clearly much larger than others.

17. The current rules provide that so far as is practicable parliamentary constituency boundaries in Wales should not cut across the boundaries of the preserved counties. These are the eight administrative counties in Wales established in 1974 under the Local Government Act 1972 and abolished in 1996 by the Local Government (Wales) Act 1994. The 1994 Act also created the concept of preserved counties which are, with some modified boundaries, the areas of the former eight counties.

18. This restriction would significantly impede the creation of constituencies under the new arrangements, and is not included in the new rules for the distribution of seats set out at clause 9 of the Bill. The new rules will allow a Boundary Commission to take into account, to the extent that it thinks fit, special geographical considerations, including in particular the size, shape and accessibility of a constituency; local government boundaries (ie the current boundaries of county and county boroughs in Wales); local ties and, after the first review under the new rules (where the overall numbers will be reduced) the inconvenience attendant on such changes.

19. These considerations mean that the Boundary Commissions, including the Boundary Commission for Wales (BCW), can have regard to local factors in drawing up the new constituencies, including particular geographical and social issues in Wales which might have a bearing on the way in which new constituencies are constructed. For example, the BCW could take into account the history and geography of the South Wales Valleys in creating new constituencies in South Wales, subject to the requirements for parity.

*Boundary Reviews*

20. The Bill provides for more frequent boundary reviews, every five years, keeping constituencies more up to date and reflecting local changes in electorate more accurately. To make this possible, the Government is changing the consultation process in order to speed it up. Under current arrangements, the Boundary Commissions are required to undertake general reviews every eight to 12 years, meaning that more recent changes in electorates are not always reflected in changes to constituency boundaries.

21. The Government is aware of criticisms of this aspect of the proposals. However, it is simply not the case that the public will be unable to have their say on proposals. Leading academics have commented that it would be a major error to assume that the current consultation process largely involves the general public having its say on the recommendations. A recent report by the British Academy Policy Centre also argued that “at recent reviews, the inquiries have had little impact on the Commission’s recommendations in most cases, suggesting that their abolition would not significantly impair the consultation process”. Anybody, including members of the public, will still be able to comment on proposals. In fact, the Bill extends the period for representations on proposals from one month to three.

#### *Voter Registration*

22. The level of voter registration in the United Kingdom is estimated at 91–93%, broadly comparable to other democracies with voluntary registration, such as France and Canada, and even to countries that have compulsory registration, such as Australia. However, the Government accepts that registration rates can be improved further; the Electoral Commission estimated in 2005 (based on data from 2000) that around 3.5 million people in England and Wales were not registered to vote. According to the Commission’s latest available estimates, the level of “under-registration” (ie the proportion of the eligible population estimated as not being on the register) rose from 4.8% in 1990 to 6% in 2000 (compared to a slight fall from 7.3% to 6.9% in England over the same period).

23. A recent report by the Electoral Commission, *The Completeness and Accuracy of the Electoral Register*, concluded that it is predominantly densely populated urban areas with significant concentrations of mobile young people which typically have the highest levels of under-registration. The report did not suggest there are registration issues unique to Wales, but rather that a decline in registration rates in metropolitan areas with high population densities is evident in Wales, Scotland and England.

24. The Government is committed to increasing the levels of voter registration. The move to Individual Electoral Registration (IER) provides us with an opportunity to do so. It is important that we introduce IER because the current system is vulnerable to fraud and does not encourage people to take personal responsibility for registering themselves. In introducing the scheme in Wales, Scotland and England, the Government intends to learn from the experience of introducing the scheme in Northern Ireland in 2002. In Northern Ireland, individual registration became a requirement for everyone overnight. We are proposing to speed up the implementation of the scheme, implementing IER from 2014, but no one currently on the register who fails to register individually will be removed from the register before the next general election. This will give people time to get used to the new requirements for electoral registration, and should ensure that registration rates do not reduce significantly in the short term as a result of the move to IER.

25. The Government will also be trialling data matching during 2011; that is comparing the electoral register with other public databases to find the people missing from the register. The aim is to tackle under-registration, including among those specific groups most affected by it, and ensure that every opportunity to register is available to those currently not on the electoral register.

26. We will work closely with the Electoral Commission to ensure that the public is made aware of the changes as they are introduced. The Government will also examine how electoral registration might be integrated into people’s day to day transactions with government, for example when visiting the Post Office or applying for a passport.

27. The Government is mindful that the change to IER should not disproportionately affect those in society who most need protection. The Chair of the Electoral Commission said in her evidence to the Political and Constitutional Reform Committee that introducing individual registration would enable the Commission to create focused programmes to improve registration rates among specific communities. Data matching will also allow resources to be targeted better and to make it as easy as possible for those who want to register to do so.

#### *Assembly Constituencies*

28. Section 2 of the Government of Wales Act 2006 specifies that the constituencies of the National Assembly for Wales are the parliamentary constituencies in Wales. Clause 11 of the Bill breaks the link, so that fewer parliamentary constituencies in future would not reduce the size of the size of the Assembly. This change has been welcomed by interested parties in Wales.

29. The Bill does not include a mechanism to review and alter Assembly constituencies in future. The Government intends to establish appropriate mechanisms following consultation with interested parties, and will legislate as soon as is practicable following the introduction of these reforms.

30. In the interim, clause 11 also includes transitional provisions to deal with interim reviews of constituencies carried out by the BCW which are ongoing when Part 2 of the Bill comes into force. In effect, the provisions allow the BCW to decide whether or not to continue a review to completion. In practice, any review the Commission chooses to continue would relate only to Assembly constituencies rather than parliamentary constituencies in Wales.

### **Combination of elections to the National Assembly for Wales and the referendum on using the alternative vote system at UK parliamentary elections**

31. The Government is committed to a referendum on whether the voting system for the UK Parliament should be changed from the current “first past the post” system to the alternative vote system.

32. This poll will be held throughout the United Kingdom on 5 May 2011. This is also the day on which elections will be held to the devolved institutions in Wales, Scotland and Northern Ireland, as well as local government elections in England.

#### *Benefits of Combining Polls*

33. The Government believes that combining the referendum with these elections makes sense, both practically and financially. Combining elections is not unusual and such a move is likely to increase voter turnout, which is to be welcomed. It is important to trust voters to be able to distinguish between elections to legislatures (and councils) and a referendum on electoral reform.

34. Section 4 of the Government of Wales Act 2006 empowers the Secretary of State by order to change the date of an ordinary Assembly election by up to one month earlier or later than the first Thursday in May. No order can be made unless the Secretary of State has consulted the Welsh Ministers about it. The Government and the Welsh Assembly Government agree that it would not be to anyone’s advantage to ask electors to vote in three polls in the space of a few months (for the Assembly referendum, the AV referendum and the Assembly elections). The Government has no intention of seeking to move the Assembly elections from 5 May 2011.

35. A date for the referendum on full law-making powers is yet to be confirmed. In agreeing a date, the Government will need to be mindful of the likely overlap between the two referendum periods. But the Government believes that the different subject matter of the polls, and therefore the nature of the referendum campaigns, coupled with clear guidance from the Electoral Commission, means that confusion between the two polls is not a significant risk.

#### *Cost Savings*

36. By combining the referendum with other elections the costs of accommodation, staff and equipment at polling stations will be shared, enabling savings of the order of £30 million across all polls on 5 May. The Government has committed that savings which accrue from combining the referendum with elections to the devolved institutions should be shared equally with the relevant devolved institution—including the Welsh Assembly Government in Wales. The saving in respect to the Assembly Government for the Assembly elections is expected to be around £1 million.

37. This saving is in addition to the recent announcement that the Electoral Commission’s costs for its work on the referendum on full law-making powers for the National Assembly, some £2.7 million, will be borne by HM Treasury. These savings demonstrate the effectiveness of the Government’s respect agenda in securing positive outcomes for Wales.

*September 2010*

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### **Written Evidence from Rt Hon Paul Murphy MP**

I would like to offer the following thoughts on the Government’s proposals on Parliamentary Reform and its implications on Wales.

1. Having served twice as Secretary of State for Wales and as Secretary of State for Northern Ireland, I have, for over a decade, been intimately involved in constitutional changes especially with regard to devolution in Wales and Northern Ireland. During those years, the changes that came about resulted from many months, indeed years, of negotiation and ending up with consensus. The Government is currently attempting to rush through these proposals at the expense of proper scrutiny and with no attempt at consensus, this is a dangerous way to proceed on such important issues, the like of which should not be dealt with in a partisan manner.

2. Consequently, there should have been pre-legislative scrutiny of the Bill, and an attempt to reach consensus (which appears to be the case over House of Lords reform).

3. The reduction of MPs (by 50) is unprecedented. There has only been a 3% increase in MPs since the War, even though there has been a 25% increase in the electorate. An attempt to justify this by pointing to a saving of £12 million is risible. The cutback will lead to a reduction in the quality of parliamentary scrutiny of the Executive, especially if it is not accompanied by a corresponding reduction in the number of ministers. It will also impact on the accessibility of MPs for members of the public and reduce the quality of service MPs are able to offer to constituents.

4. The creation of very large constituencies, rigidly defined by numbers, will destroy community-based constituencies since it would appear that, to create such constituencies, local ties, geography and tradition are likely to be ignored. This will further distance MPs from their constituents and impact adversely on the service that can be offered to members of the public. This is especially alarming in areas such as the south Wales valleys, where the very landscape necessitates careful consideration regarding constituency boundaries, with historical north-south communities in valleys separated by mountains. Until now, MPs have been able to represent roughly distinct communities, something which these proposals threaten.

5. The Bill flies in the face of 500 years of constitutional history, in so far as Wales is concerned. Wales has had a dedicated number of MPs in Parliament since the middle of the 16th century. This is to safeguard the rights of a small nation in a United Kingdom. In 1947 Parliament decided that Wales should have at least 35 MPs. It could be that, if primary legislative powers are granted to the Welsh Assembly, after a referendum, then the situation might change. However, I believe that the Union could be jeopardised were we to abolish this important constitutional convention.

6. The abolition of local public inquiries into boundary changes is disgraceful. It robs local people of the opportunity to express their views locally and in person, with the aim of railroading controversial proposals through more quickly. This is one of the most devastating attacks on our democracy that I have known in my political life.

15 September 2010

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#### Written Evidence from the National Federation of Women's Institutes (NFWI)

The Women's Institute (WI) is the largest voluntary women's organisation in the UK with 205,000 members in 6,500 WIs. It was established to ensure that women are able to take an effective part in their community, to learn together, widen their horizons, improve and develop the quality of their lives and those of their communities and together influence local, national and international affairs. The WI has an unrivalled reputation as a voice of reason, integrity and intelligence on issues that matter to women and their communities. In Wales, there are 16,000 members belonging to about 500 WIs. Members come from all ages and walks of life.

The National Federation of Women's Institutes-Wales would like to raise the concerns below in relation to the proposals in the *Parliamentary Voting System and Constituencies Bill*.

Changes proposed to parliamentary constituency boundaries could impact adversely on Wales' representation at Westminster as a result of measures to reduce the number of MPs from 650 to 600. About 10 of the 50 seat reduction could occur in Wales and NFWI-Wales is concerned that the voice of Wales will be lost in Parliament. Although responsibility for many areas such as health, education and local government have been devolved to the National Assembly for Wales, NFWI-Wales still believes that it is crucial that Wales continues to be well-represented in the UK Parliament. Westminster has responsibility for allocating funding to the Assembly and still retains responsibility for primary legislation and for non-devolved issues such as the criminal justice system which impact directly on the citizens of Wales.

NFWI-Wales is concerned about the impact the above could have on its members in terms of getting their voices heard by MPs and also, in rural communities in particular, the impact that the proposed changes could have on members' access to their local MPs due to the geography of rural communities. WI members are very active in their communities and regularly liaise with their local MPs to highlight issues of concern to the WI and influence change in policy.

We feel that any Bill of this kind should take into account the geography of Wales. If MP representation in rural areas such as Mid Wales is reduced, this will create barriers between constituents and their parliamentary representatives. It could also play a part in distancing community members from the democratic process. NFWI-Wales believes that accessibility to parliamentary representatives should not be compromised.

Another issue that we would like to raise is the fact that the proposed changes to parliamentary constituencies would mean that there would be different constituencies for UK elections and Assembly elections. NFWI-Wales is concerned that this could disengage people from getting involved in the democratic process. NFWI-Wales is also concerned that should the Assembly election constituencies be changed in future to reflect changes introduced in the *Parliamentary Voting System and Constituencies Bill*, there could be a reduction in the number of Assembly Members representing Wales.

Finally, we note that the Bill is seeking to abolish local boundary hearings. NFWI-Wales believes that local consultations on changes to electoral boundaries should not be abolished and it is the right of local people to be consulted and given adequate opportunities to get their voices heard. NFWI-Wales would not want to see the current system watered down; the citizens of Wales must be empowered to get involved in the democratic process in Wales. It must be ensured that any changes introduced in the Bill do not undermine democracy in Wales.

I hope that our comments will be of use to the Welsh Affairs Committee. This Bill will also be discussed by NFWI's Federations of Wales Committee on 12 October. We will follow the development of the Bill with interest.

17 September 2010

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### Written Evidence from Plaid Cymru

#### DATE OF ALTERNATIVE VOTE REFERENDUM

Plaid Cymru believe that a referendum on the parliamentary voting system should be held on a day on which no other Parliamentary or Assembly election takes place.

This position has been reached after studying the reports by Gould and Arbuthnott, with the former specifically noting the dangers of hosting multiple elections on the same day and recommending that elections should not be combined.

Concerns include:

- the number of ballot papers and confusion amongst the general public;
- difficulties in having a full and clear debate on each issue to be voted upon;
- administration difficulties for electoral services departments in councils; and
- the ability to process electors at busy polling stations during peak periods.

We reject the suggestion by the Deputy Prime Minister that cost savings should be the over-riding consideration in organising a referendum date.

However, if cost is to be the over-riding consideration, then it makes no sense for Welsh electors to go to the polls more than once in Spring 2011 and the proposed three votes in Wales (referendum on further powers for the Welsh Assembly, Assembly elections, Westminster voting reform) should take place on the same day.

#### VOTING METHOD

Plaid Cymru believe that the Single Transferable Vote (STV), with multi-member constituencies, is the most appropriate method for elections. This ensures a greater proportion of votes are used to elect a Member, and fewer are 'wasted' or unused to elect a representative.

Research by the Electoral Reform Society suggests that the final results under an Alternative Vote would be little different to those achieved under First Past the Post.

Although the Alternative Vote would be a more acceptable system, it is not the fairest or most proportional electoral system.

It is a false choice to suggest that these are the only two options that should be made available to electors.

We recommend a multiple choice ballot paper, including "alternative vote", "first past the post" and "single transferable vote" options, with electors using the alternative vote, marking their first, second and third preferences to determine which electoral system should be employed.

This would give electors a clear and distinctive choice between electoral systems, rather than a limited choice, as at present.

We support the use of Single Transferable Vote in elections where it produces the most proportional result.

#### REDUCTION IN CONSTITUENCIES AND EQUAL VOTES

We do not believe that the case has been well made for a reduction of constituencies and MPs in the United Kingdom Parliament from 650 to 600.

We believe it is misleading to conflate a reduction of Members of Parliament with discussion regarding fair or equal weighted votes.

The introduction of a UK-wide principle of all constituencies being of a size within 5% of the UK electoral quota will have a negative impact upon Welsh representation in the UK Parliament, with the likelihood of 10 fewer constituency seats at the time of the next election.

We are a party which firmly believes in democracy and practice a "one-member, one-vote" system for all internal elections.

We do not believe that attempts to equalise the number of electors in each constituency necessarily ensures fairness and equality of votes.

There are difficulties in both principle and practice.

It is likely that areas of generally low socio-economic status will have fewer residents per head of population upon the electoral roll. Those absent from the electoral register will therefore become “non-people”, and will mean that MPs may have the same official number of electors but a vastly different electorate and, possibly, caseload, defeating the object of the exercise.

Ensuring that constituencies remain within these very small parameters will be a major task and will require more regularly updated population figures, often across local authority boundaries, and regular updates, leading to confusion and a lack of identification with their constituency, which may change on an election by election basis.

This introduction of constituency boundaries based firstly on population, rather than geography, history or practical issues will very probably merge un-related areas as super-constituencies across local authority boundaries.

The principle of equal votes has not been discussed in sufficient detail.

Firstly, the maintenance of a single elected member constituency will still lead to significant numbers of “wasted” votes.

Secondly there is the concept of equality. The think-tank Demos recently published a ‘power map’ of the United Kingdom illustrating in which areas individual votes held most sway. Unsurprisingly, it was generally the case that more affluent parts of the UK were also the most powerful under these criteria. Although each eligible adult in the UK may have a vote, those votes are not necessarily equal in their outcome.

We recommend that the current percentage of seats allotted to each constituent part of the United Kingdom be retained and that any change to the number of MPs, either in an upward or downward manner, be reflected equally.

#### THE EXECUTIVE AND THE LEGISLATURE

A decrease in the number of Members of Parliament without a proportional decrease in the number of MPs on the payroll will mean a greater influence upon the activities of the House of Commons by the executive.

The governing parties cannot argue that they are giving MPs a greater freedom through, for example, the Backbench Business Committee, whilst increasing the percentage of the payroll vote.

#### THE EFFECT OF FURTHER DEVOLUTION UPON WELSH REPRESENTATION AT WESTMINSTER

We hope that there will be a successful referendum on the transfer of Part IV powers of the Government of Wales Act 2006 from Westminster to the National Assembly for Wales in spring 2011.

There has been no explicit link between the plans to reduce representation in Parliament, either from a Welsh or UK level, and the powers residing in the devolved administrations.

We believe that while significant powers are held at Westminster which impact upon Wales, including defence, international affairs and macro-economic fiscal powers then representation of Wales at Westminster should not be further curtailed.

#### PRESERVED CONSTITUENCIES

We would like to recommend that the island of Ynys Mon/Anglesey should be added to the list of preserved constituencies in the Parliamentary Voting and Constituencies Bill, noting its traditional separation from mainland communities.

#### DECOUPLING OF WESTMINSTER AND ASSEMBLY CONSTITUENCIES

The proposed changes in the number of Welsh constituencies and MPs in the House of Commons made it essential to de-couple those from the National Assembly for Wales constituencies, as it was originally set out in the Government of Wales Act 2006.

We welcome this change because this connection would mean that fewer Members of Parliament elected from Wales would have reduced the number of Assembly Members. This reduction would have had a consequential negative effect upon the ability of the National Assembly to scrutinise legislation and the executive.

However, we draw attention to the possibility of widespread confusion in 2015 should the number of Westminster constituencies in Wales decrease.

This would lead to three election ballot papers for electors upon the same day for three different electoral areas (Assembly constituency, Assembly regional list and Westminster constituency) for two different legislatures and perhaps using three different electoral systems.

We believe that these elections should not be held upon the same day.

This may also lead to confusion and additional administrative work for electoral services departments at local authorities and the need to find a significantly higher number of candidates for multiple elections, due to election rules regarding standing for regional lists and constituency seats and the presumed end of members being elected to two parliaments.

#### GOVERNMENT OF WALES ACT 2006

The proposed changes to the Government of Wales Act 2006 illustrate that, even apart from Part III and Part IV (which relate to the transfer of powers to the National Assembly for Wales), other issues in the Act should be addressed.

We specifically draw attention to the rules restricting candidates standing for an Assembly constituency and on Assembly regional lists, and the ability of the National Assembly for Wales, not the Secretary of State, to vary the date of Assembly elections.

#### FIXED TERM PARLIAMENTS

We welcome the notion of fixed term parliaments, which would bring the UK Parliament in line with other elected bodies, such as the European Parliament, the National Assembly for Wales and local councils.

However, the case has not yet been made for why the House of Commons should be elected on five year intervals.

Previously the UK Government has been given up to five years to govern before calling a new general election, but the common expectation has been that the electoral cycle (as evidenced in the devolved administrations and many local authorities) is a four year period.

The UK Government should reconsider proposals for a five year House of Commons to bring this into line with the devolved administrations, or, alternatively, change the lifespan of devolved administrations to fit with this new "norm".

Failing to establish a coherent short-term cycle for elections will lead to different issues and outcomes being decided in the cycle, possibly impacting strongly upon representation in the institutions being elected. This will lead to a distortion of politics.

As previously noted, the Gould Report into the elections in Scotland in 2007 recommended that, although there were arguments about the importance of voter turn-out, elections should not be combined.

Professor Robert Hazell of the Constitutional Unit at University College London has suggested that the fixed date for UK General Elections should be in Autumn so as to avoid timetable clashes with other elections. Consideration should be given to this suggestion.

*September 2010*

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#### **Written Evidence from Stonewall Cymru**

Stonewall Cymru is the all-Wales lesbian, gay and bisexual equality charity. We are responding to this consultation as a representative of sexual orientation issues in Wales.

Stonewall Cymru understands the issues concerning timing of a referendum on using the alternative vote system at UK general elections and that such decisions are both difficult and complicated. However Stonewall Cymru feels that if the referendum is held on the same day as the elections to the Welsh Assembly there is a danger that the split focus to campaigns and the concurrence of two different campaigns could lead to minority issues being overlooked. We are concerned that issues such as sexual orientation and engaging with lesbian, gay and bisexual voters could be overlooked when politicians, stakeholders and the public are having to focus on two very different campaigns. This could lead to a situation where less time and development work is dedicated to equality issues, including sexual orientation.

*September 2010*

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