PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

PARLIAMENTARY CONSTITUENCIES BILL

First Sitting

Thursday 18 June 2020

(Morning)

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not later than

Monday 22 June 2020

The Committee consisted of the following Members:

Chairs: Sir David Amess, † Ian Paisley

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

Sarah Thatcher, *Committee Clerk*

† attended the Committee

Witnesses

Tony Bellringer, Secretary, Boundary Commission for England

Isabel Drummond-Murray, Secretary, Boundary Commission for Scotland

Shereen Williams MBE, Secretary, Boundary Commission for Wales

Eamonn McConville, Secretary, Boundary Commission for Northern Ireland

Public Bill Committee

Thursday 18 June 2020

(Morning)

[Ian Paisley *in the Chair*]

Parliamentary Constituencies Bill

11.30 am

The Chair: Before we begin, I have a few announcements. Please ensure your mobile devices are on silent. I allow you to bring in tea and coffee. I am not as strict as some other Chairs. You are welcome to keep refreshed during the proceedings. I call the Minister to move the programme motion in her name.

The Minister of State, Cabinet Office (Chloe Smith): I beg to move,

That—

(1) the Committee shall (in addition to its first meeting at 11.30am on Thursday 18 June) meet—

(a) at 2.00pm on Thursday 18 June;

(b) at 9.25am and 2.00pm on Tuesday 23 June;

(c) at 11.30am and 2.00pm on Thursday 25 June;

(d) at 9.25am and 2.00pm on Tuesday 30 June;

(e) at 11.30am and 2.00pm on Thursday 2 July;

(2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

Date	*Time*	*Witness*
Thursday 18 June	Until no later than 12.20pm	Boundary Commission for England Boundary Commission for Scotland
Thursday 18 June	Until no later than 12.40pm	Boundary Commission for Wales
Thursday 18 June	Until no later than 1pm	Boundary Commission for Northern Ireland
Thursday 18 June	Until no later than 2.30pm	The Conservative Party
Thursday 18 June	Until no later than 3pm	The Labour Party
Thursday 18 June	Until no later than 3.30pm	The Liberal Democrats
Thursday 18 June	Until no later than 4pm	The Scottish National Party
Thursday 18 June	Until no later than 4.30pm	Plaid Cymru
Thursday 18 June	Until no later than 5pm	Professor Richard Wyn Jones, Wales Governance Centre, Cardiff University
Tuesday 23 June	Until no later than 9.50 am	Dr Alan Renwick, The Constitution Unit, University College London
Tuesday 23 June	Until no later than 10.10 am	The Green Party
Tuesday 23 June	Until no later than 10.40 am	Professor Roger Awan-Scully, School of Law and Politics, Cardiff University
Tuesday 23 June	Until no later than 11.25 am	Professor Iain McLean, Department of Politics and International Relations, University of Oxford Professor Sir John Curtice, Department of Politics, University of Strathclyde
Tuesday 23 June	Until no later than 2.30 pm	The Association of Electoral Administrators
Tuesday 23 June	Until no later than 3pm	The Local Government Boundary Commission for England
Tuesday 23 June	Until no later than 3.30 pm	The Electoral Reform Society
Tuesday 23 June	Until no later than 3.50 pm	The Democratic Unionist Party
Tuesday 23 June	Until no later than 4.10 pm	Dr Jac Larner, Wales Governance Centre, Cardiff University
Tuesday 23 June	Until no later than 5 pm	Professor Charles Pattie, Department of Politics, University of Sheffield Dr David Rossiter

(3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 11, the Schedule, Clause 12, New Clauses, New Schedules, remaining proceedings on the Bill;

(4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00pm on Thursday 2 July. Chloe Smith has given notice of her intention to move a motion in the terms of the Resolution of the Programming Sub-Committee [Standing Order No. 83C].

Thank you for your chairmanship, Mr Paisley. We all look forward to serving with you. I welcome the shadow Minister and all members of the Committee. I am grateful to everybody for their time and to the witnesses.

It is important that we have a motion here that provides for four oral evidence sessions and six sessions of line-by-line scrutiny, with the option, should we need it, for afternoon sessions to run longer, but I am sure none of us wants any midnight finishes, so we will stick to the work in hand. This gives a good amount of time for the Bill to be properly scrutinised. I really welcome the fact that we have a wide range of witnesses.

I draw the Committee's attention to the letter that everybody ought to have received from me already, outlining a Government amendment we are making with respect to the data to be used by reviews, which I hope is welcome in the light of the impact of coronavirus.

The Chair: The Minister is referring to a letter of 15 June. I assume everyone has received that.

Question put and agreed to.

Resolved,

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.—*(Chloe Smith.)*

The Chair: Copies of written evidence that the Committee receives will be made available in the Committee room. I believe they are at the back of the room.

Resolved,

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.—*(Chloe Smith.)*

11.33 am

The Committee deliberated in private.

Examination of Witnesses

Tony Bellringer and Isabel Drummond-Murray gave evidence.

11.37 am

The Chair: Mr Bellringer, you are very welcome before us, physically, and Isabel Drummond-Murray, can you hear me? Hello.

Isabel Drummond-Murray: Hello. I can, yes.

The Chair: You are very welcome with us virtually. Thank you both for taking the time to join us and for allowing the panel to proceed.

We are now in public session to hear evidence from Tony Bellringer, secretary to the Boundary Commission for England, and Isabel Drummond-Murray, secretary to the Boundary Commission for Scotland.

Before I call the first Member to ask a question, I remind the Committee that questions should be limited to matters within the scope of the Bill. We will stick to the timings in the programme order. The Committee has agreed that for this panel we will have until 12.20 pm or thereabouts.

I ask any members of the Committee who wish to declare any relevant interests in connection with the Bill to make those declarations now.

Alec Shelbrooke (Elmet and Rothwell) (Con): Isn't that all of us?

The Chair: I call the first witnesses. Will you please introduce yourselves? We will start with you, Isabel.

Isabel Drummond-Murray: I am Isabel Drummond-Murray, secretary to the Boundary Commission for Scotland.

Tony Bellringer: I am Tony Bellringer. I am the acting secretary to the Boundary Commission for England.

The Chair: Minister, we move to you for questions.

Q1 The Minister of State, Cabinet Office (Chloe Smith): Thank you, Mr Paisley. I also thank you, Isabel and Tony, for joining us this morning. In my departmental role, I look forward to continuing the work between my officials and you and yours, doing the work of this legislation behind the scenes.

Could you talk us through what it consists of to conduct a review? Also, given that this legislation focuses on having equal and updated boundaries, perhaps you would be able to give us some insight into the importance of updating your work, including the fact that we have a slightly shortened review for the first of the series of actions that is outlined in the Bill.

Tony Bellringer: How a review operates is set out in the current legislation. Prior to this review, the legislation was most recently and substantively amended in 2011, when the rules by which we work were changed. Essentially, we gather the parliamentary electorate from across the United Kingdom. There is a statutory formula set out, which calculates the distribution of the House of Commons seats across the different parts of the UK.

There are four commissions—one for each part of the UK. Effectively, each of us then works independently. At the end of the day, we have to come up with a report that recommends to Parliament the prescribed number of seats for that part of the UK. Currently, they must be within plus or minus 5% of essentially a mean average electorate figure for the constituencies, the official term for which is the electoral quota.

We go through a process of iterative public consultation; that process is also prescribed in the legislation. We have an initial proposal stage. We work slightly differently to the local government commissions, in that we start off by coming up with a scheme with proposals, and then we publish those and consult on them, whereas the local government commissions tend to consult first and then come up with some ideas.

The initial consultation then produces a raft of responses; we receive very many responses. We then work through all of those responses; we do genuinely consider every single response that we get. And we look at what we may need to change from our initial proposals.

Currently, we are required to do something called secondary consultation, which is publication of all the responses to the first consultation that we receive. So, there are no new proposals in there; it is simply giving people an opportunity to comment on what other people have said.

We then look at all the responses to that secondary consultation as well and come up with a set of revised proposals, which we again publish and consult on for a period of time. We then look at those again, decide whether any final changes need to be made, and then we write up our final report and recommendations. Currently, those are submitted to the Government, who are then required both to lay that report before Parliament and translate it into a draft statutory instrument, which must be actively debated by both Houses. If it is approved, those constituencies will be used at the next general election.

As for the second question about the importance of conducting a review now, the constituencies that we currently have were the result, in England, of a review that concluded in late 2006; the order was made in 2007. Those constituencies were first used in the general election of 2010. However, the process that led to that report began in 2000. Therefore, the electorate data that your current constituencies are based on dates from 2000.

A review was commenced under the new legislation, to report in 2013, and as we know from the Bill, there was also one that was held in 2018 and reported in the same year. To date, neither of those reviews have resulted in a new set of constituencies, so your existing constituencies are very out of date. So the Government have come

forward with this proposal to set aside the recommendations of the 2018 review and proceed very quickly to another review, largely working to the same rules established in 2011, but with a slightly truncated timetable that I believe would see us report in July 2023, with—I guess—the idea being that you would then have about 12 months before the expected next date of a general election.

Q2 The Chair: Isabel Drummond-Murray, do you want to say anything?

Isabel Drummond-Murray: I think that Tony has covered the legislative framework pretty well, so, no, there is nothing I would add to that.

Q3 Cat Smith (Lancaster and Fleetwood) (Lab): Mr Bellringer, you talked about the plus or minus 5% of the electoral quota requirement that was brought in under the Parliamentary Voting System and Constituencies Act 2011. However, in the 2013 report by the Boundary Commission, which looked at the lessons learned, it states:

> "One of the most testing issues in the context of the revised statutory framework has been the requirement to reconcile the need to adhere to a fixed electorate tolerance (i.e. within 5% of the electoral quota) with the need to respect local ties and/or existing constituency boundaries."

Do those concerns still stand and, if so, is there any way of alleviating the difficulties that the commission will face?

Tony Bellringer: Yes, the problem still exists. It is essentially a pragmatic problem. The smaller the tolerance level you allow, the closer you get to the pure principle of electorate equality between constituencies, and that is all to the good. The problem is that that makes it very much harder to have regard to the other factors that you specify in the legislation, such as the importance of not breaking local ties, and having regard to local authority boundaries and features of natural geography. Basically, the smaller you make the tolerance, the fewer options we have. That is what it boils down to.

How could you mitigate the problem? The only real way to mitigate it is to make the tolerance figure slightly larger. The larger you make it, the more options we have and the more flexibility we have to have regard to the other factors—but obviously, the further away you are moving from the pure principle of electorate equality. You do need to strike the balance somewhere.

The commission itself does not have a view on what the correct figure should be—before anybody tries to ask me that question. However, we would highlight the fact that some academic work has been done on this. I believe that you are due to interview Charles Pattie, who was one of the authors of a report in 2014 that looked specifically at the issue. He is more qualified to say than I am.

Q4 Cat Smith: In areas where electoral wards are much larger—some cities, certainly in England, have wards of almost 10,000 electors—would those communities be seen as more difficult to fit into the 5% without splitting wards?

Tony Bellringer: Yes is the short answer. As you say, particularly in England we work or we have traditionally worked on the basis of using wards as our building blocks—I am sure there will be some discussion about that in due course. But as you say, a number of wards, particularly in urban authorities in England, are larger than the entire possible range that you are permitted—the difference, I should say—so by moving one ward, you will move from being too big as a constituency to being too small, with nothing in between, so you then have to start looking at splitting the wards, which becomes more problematic for us, for reasons that I am sure we will get on to.

Q5 David Linden (Glasgow East) (SNP): It is a pleasure to serve under your chairmanship, Mr Paisley. I have perhaps three or four questions that I would like to ask Ms Drummond-Murray. First, most of us here are quite pleased that the Government have decided to change their position and let us remain at 650 seats, but I understand that even with the protection of 650 seats for the UK Parliament, Scotland would lose seats under this review. Is that a point that you can clarify, and what would be the reduction for Scotland?

Isabel Drummond-Murray: It is not possible to give an answer to that until we have the electorate data that the review will be based on. I think, informally, we did look at the December '19 register, and if that were the one being used, it did suggest a reduction in seats in Scotland. Clearly, the Bill as drafted suggests the December '20 register. Until we get those figures published, from whichever data is finally proposed by the Bill, we cannot tell you exactly how many seats there would be. We would have to run the formula that Tony referred to, and that would allocate between the four countries.

Q6 David Linden: I also want to ask a question that I appreciate may be slightly more technical, but pretty much all of us on this Committee are probably minded that way. I understand that there are limits on how often hearings can be conducted for the Boundary Commission, and I think that at one point Scotland was limited to four or five hearings. I know that in evidence to the Public Administration and Constitutional Affairs Committee, Professor Henderson said that that was problematic for the Boundary Commission in Scotland. Is it still the view of the Boundary Commission that the limit on hearings is problematic?

Isabel Drummond-Murray: It was problematic in the last review, because the public hearings were held during the initial consultation and that meant that you were trying to guess in advance where there was likely to be particular interest. You were trying to cover the geography and population of Scotland with five hearings, so if you held one in Edinburgh and one in Glasgow, you then had a large area to cover with the three remaining ones. The Bill proposes holding public hearings and a secondary consultation, which will help, because we will then have an idea of whether to hold the ones outwith the central belt in, for example, Inverness or Hawick. You just cannot tell. There is still an element of guessing, from the responses received, as to where people really want to come along and discuss in public what we propose, but yes, that will help. I think six also helps, geographically.

Q7 David Linden: Continuing on that theme of geography, which is obviously a challenge in rural Scotland, quite a number of us, regardless of what party we are in, were quite alarmed at the size of the proposal for what would be a Highland North constituency. Can you tell the Committee a little bit about how you go about

drawing up constituencies in that part of the world, particularly in relation to the 12,000 sq km or 13,000 sq km size, as is the case with one constituency in Scotland at the moment?

Isabel Drummond-Murray: We start the review by allocating loose groupings—they are not set out in legislation, but they enable us to divide up the country. As a preliminary step, we always look at the highlands first, because of the rule that an area bigger than 12,000 sq km can go below the minus 5% threshold. However, because of the way the legislation is worded, you would only need to go below that 5% if you could not reasonably construct a constituency otherwise, but we could. We found in the 2018 review that it was possible to stick within that plus or minus 5%, despite its being a very large constituency. I think Highlands North was the only constituency proposed in the 2018 review that was above 12,000 sq km, which is obviously geographically very large.

Q8 David Linden: It would be very difficult for Members to cover as well. My final question is on the idea of building constituencies not necessarily based on ward boundaries but on polling districts. Do you have a view on that, and how that would work in Scotland?

Isabel Drummond-Murray: We do not use polling districts, in part because there has not been an available Scotland-wide, up-to-date dataset that we could access. We create our own postcode datasets, so when we come down to split below ward level, if necessary, we do it on the basis of postcodes. We have always been able to split wards in Scotland, if necessary.

Q9 Christian Matheson (City of Chester) (Lab): Can I ask both witnesses how they prioritise the various different factors, for example, the numbers and the tolerance, the geography and the communities of interest? How do you weight each of those, and what process do you use to draw those up?

Tony Bellringer: In essence, there are two categories. One is mandatory—the plus or minus 5%—which we have to stick to and is obviously our primary factor. About half a dozen other statutory factors are set out in schedule 2 of the Parliamentary Constituencies Act 1986. We do not prioritise any of them formally. I guess we would look first at the rule about having regard to existing constituencies. So far as possible, we actually start off by asking how many constituencies that are currently there already fit the plus or minus 5% and whether we can start by not changing those. We then look at those that are not within the plus or minus 5% and think, "Okay; that is going to have to change, and that is going to have to change". That is why you often find, unfortunately, that you may be sitting as an MP in a constituency that perfectly meets the plus or minus 5%, but your constituency changes because some of the neighbouring ones have to change and have to take in some of yours, or vice versa.

As I say, we do not have a firm ranking, but we then probably look at local ties. To a certain extent, you would expect existing constituencies to have already respected local ties, which is why it is not higher, because local ties are generally what people feel most strongly about—in fact, probably more than the numbers, to be honest. They accept the principle of electorate parity, but if you ask most people on the ground, they are more concerned about their local communities being split off from each other in the drawing of the lines. That is what the vast majority of responses to our consultation are about, so we do look at whether we are breaking local ties.

There is also the obvious map factor of physical geography and what are termed significant geographical features. River estuaries, mountain ranges and motorways are fairly obvious bits of physical geography that can have quite a significant impact on how you would want to look at drawing a constituency. Is that enough for you?

Christian Matheson: It is, yes, thank you. Ms Drummond-Murray wanted to answer as well from the Scottish point of view.

Isabel Drummond-Murray: It is a broadly similar process. As Tony said, you weigh up the factors and go through the process of the various consultation rounds. That is an important part as well: whatever we have weighted or not at the beginning, by the time we go through the consultation, it is all open to change. In the 2018 review, by the end, only 10 of our mainland constituencies were unchanged from the initial proposals. Whatever we do at the start is open to public views on things such as local ties, names and so on.

Q10 Christian Matheson: Can I ask both of you—it may sound like a pointed question, but it is not intended to be—whether you ever feel that you have got it wrong? I will give a couple of examples. In my area, the notorious proposed Mersey Banks constituency attracted quite a lot of opprobrium and obloquy. One of Mr Linden's colleagues, albeit under the 600 distribution, talked about having a constituency that would be equivalent in size to, in England, the area from Westminster to Nottingham. Do you ever think, "Flipping heck, we didn't that do very well there"?

Tony Bellringer: Er, yes. *[Laughter.]*

Isabel Drummond-Murray: I was going to say that we never get it wrong—we have a technically correct proposal—but as I say, in consultation, we listen to people's responses. Certainly, in our initial proposals, we set out constituencies that were very unpopular and we listened and changed them where we could. You are then constrained by how much you can change within the legislation and all the knock-on consequences of the change that you also have to throw into the mix.

Tony Bellringer: To clarify my initial flippant response, it is largely as Isabel says. You could almost say that we deliberately put some proposals out there at the initial consultation stage that are quite radical and, yes, get quite a lot of negative responses—Mersey Banks is a classic case. The other one that I have had to talk about quite a lot is moving the city of Gloucester out of Gloucester in the 2013 review.

We do that in the full knowledge that it is only the first round of consultation and people will tell us if they genuinely think it is a really bad thing to do. There are actually reasons for doing those things, but as I mentioned earlier, you are somewhat constrained by what is happening around that constituency. It might not be an ideal solution for that constituency, but it might have allowed us to solve a number of issues in neighbouring constituencies. It is not ideal, but we put it out there and

test the water, because it is the first stage of consultation and we know full well that if we get a huge pushback on it, we will change it to something better.

Q11 Christian Matheson: Is it not better to try to get it right first, rather than be a bit provocative and stir up public interest? Is it not better to get it right first so there are fewer changes?

Tony Bellringer: Yes. We would like to get it right first, but we are cognisant of the fact that if we do not get it exactly right first time, we have a process whereby we can correct it.

We genuinely do not know. We feel that it is probably going to be unpopular in that particular constituency, but, as I say, we have had to do it there. We think that, as a whole in the wider area, it provides a better solution. It is not a good solution for that constituency, but any alternative we have been able to come up with creates problems in those other constituencies. As an overall balance, we think that is probably best, but we recognise that you are not going to like it if you live in that particular constituency, so let us test the water and see what the general public opinion is in that area. Everybody in the area could come back and say, "No, there's a better option."

Q12 Christian Matheson: A final question from me, Chair.

The Chair: This is your third "final".

Christian Matheson: I will not push it to a fourth. Do you have any consideration of constituencies that have multiple local authority areas? Some Members represent two local authorities and others represent three. Do you have any rules or guidance on minimising that?

Tony Bellringer: Yes. One of the statutory roles is having regard to local authority boundaries and local government boundaries. As far as possible, we try to limit the number of local authorities that the prospective MP of the proposed constituency will have to deal with. That is very much in our mind.

The Chair: Isabel, did you want to add something?

Isabel Drummond-Murray: No, I was just agreeing. That would be the approach we would take, too.

Q13 Mrs Maria Miller (Basingstoke) (Con): It is a great pleasure to serve under your chairmanship, Mr Paisley, on what I am sure will be a really interesting Committee. I thank the witnesses for the responses they have already given, and the inevitable hard work they are facing in this area.

Can I follow up on one of the responses to David Linden's questions, about splitting wards to do what this Bill is trying to do, which is to create equal and updated boundaries across the whole of the United Kingdom? I speak as one who represents a constituency of 83,000 people—well in excess of what I am sure will be the eventual quota. Isabel was talking about the importance in Scotland of using postcodes to try to get some sense of equalisation. Could Mr Bellringer outline for the Committee what the approach is to splitting wards in England, and whether any experts have looked at this to give us advice on what is a good process to follow, particularly when it comes to polling districts?

Tony Bellringer: As I mentioned earlier, we have traditionally had a general policy of using wards as our building blocks. However, as you will know from the previous couple of reviews, there have been instances in which we have been prepared to split a ward to solve a problem in that area.

As Isabel alluded to, the difficulty in England is that we do not have access to a comprehensive dataset below ward level that contains the parliamentary electorates and associates them with the boundaries of whatever that unit is—a dataset that we can then manipulate in the software and quickly move those units around to recalculate the figures, because that is how it works. When we split a ward in England at the moment, we have to go back to the local authority and get the detailed breakdown, usually on a polling district basis, and manually calculate those figures, which really slows the process. If we were to move to a much more open process of using sub-ward-level units as our building blocks, we would have to source that data from somewhere.

Q14 Mrs Miller: If you can do it in Scotland, why can you not do it in England?

Tony Bellringer: At the moment, we do not have the postcode areas in England. We would have to create them; they could be created, but it would take an awfully long time to do.

Between the 2013 and 2018 reviews, one of the things with which we kept ourselves occupied was constructing a polling district-level dataset with the help of Ordnance Survey, in order to map those figures against the actual polling district boundaries. That is almost the most difficult part of the process. We sort of have the figures already because we have access to the actual registers, which are usually subdivided by polling district. However, the polling districts are not mapped in a consistent way and we have to be able to associate the electorate figure with the actual boundary of the unit you are working with, so that when you move the unit, the numbers change accordingly. You need to have mapped those polling district boundaries electronically. We did that process, and it took us and Ordnance Survey about two years to map every polling district in England.

Q15 Mrs Miller: May I probe a little further? We are talking about democracy here, so it is pretty important that we get it right, and a bit of extra hard work and extra IT is what the electorate would expect to get a democratic process. I still do not really understand why you are not doing this, particularly given that I know exactly what the boundaries of my polling districts are, so I do not understand why you do not.

Tony Bellringer: As I say, we went through the process between 2013 and 2018, so at one point in time we had a polling district dataset that we could use. However, as you know, polling district reviews happen all the time across the entirety of England, so that single, comprehensive polling district dataset goes out of date almost instantly. There has to be a way of keeping it up to date. At the moment, that requires us to know who is doing the polling district review and when, so we can go and find out what they have changed it to. Do they have it mapped? No—then we need to get somebody to map it into the system. At the moment, there is no process by which the results of a polling district review are notified either to us or to Ordnance Survey so that it can be incorporated and the dataset can be kept up to date.

Q16 Mrs Miller: Mr Paisley, I do not know if this will help, but it might be useful if the commission provided the Committee with a note on the issue and how it could be overcome. Just because it has not been done before does not mean that it cannot be done in the future, and I think this piece of legislation demands that it be done now. Could I suggest that we ask the commission to provide a more detailed note on how this could be done, with any costings that might be appropriate?

The Chair: You are being asked to write a wish list on this issue. Could you do that for us?

Tony Bellringer: Yes. We did actually approach the Government at the time. We have kind of done the work to build that and issue one. There is a requirement for a local authority that does a polling district review to publish the findings, but they just do that by publishing it on a website, and it is also not necessarily in a mapped format. All it actually requires is a bit of something tacked on to that legal requirement to publish, which says, "You also need to send it to Ordnance Survey and the Boundary Commission."

The Chair: Could you give that to us within two weeks?

Q17 Mrs Miller: And any suggestions of changes in the law to do that would be really helpful.

Can I ask one other question—will you indulge me, Mr Paisley? I noticed that the commissions try to minimise the disruption to existing boundaries in its proposals, which is obviously a sensible thing to do. I also noted that it has said in the past that the commissions are not obliged to shut their eyes to likely future growth. That is particularly noted in section 40 of the guidance that was produced at the last review. Will both commissions outline their approach to the next review and whether it will be the same sort of approach? I declare an interest in that I represent a part of the country that is building a lot of houses. To propose boundaries that will inevitably be changed radically in the future would seem to be a waste of the commission's time.

Tony Bellringer: Immediately before we start a review, the commission meets representatives of political parties to talk about how it plans to operate its internal policies within the framework of the statutory requirements, and that is an example of the kind of thing that we would be talking about with them.

It is unlikely that it would change significantly. The fundamental principle in doing this work is that you have to at some point draw a line and say, "That is the data that we are working with." You cannot build a house on constantly shifting foundations and so you have to say, "That is the data and we are going to work with that data."

At the same time, where we are looking at competing options in an area, if one is obviously more suited to an area that is clearly growing in population—maybe we know that from strategic planning approvals that have gone through in the area—that will veer us towards that option as the preferred option. That is really what it means.

What we cannot do is say, "Well, okay, the electorate that we are supposed to be working with is this and the electorate is now this, so let's use that instead." We still have to stick to the original electorate figure, but be alive to the fact that it is clearly growing and can be demonstrated to be growing. That is quite key as well—we draw a distinction between proven growth in an area and projected or speculative growth in an area.

Q18 Mrs Miller: Presumably, it would affect your geographical boundaries, which may not have live bodies in yet, but will in the future.

Tony Bellringer: Yes and no. The distinction I am trying to draw here is that if you have had a strategic planning development approved and it has been built and people have started to move in, you can say that those figures have changed—it is clearly growing. Even though those figures have derived from a point in time after the electorate data that we are supposed to be using, there is a clear indication that the area is growing. If you have had a strategic planning development approved, but it has not been built yet at the time we are doing our review, we might go, "Well, it is not as convincing."

Q19 Mrs Miller: And in Scotland?

Isabel Drummond-Murray: I do not think there is much to add to that. We have to work with the electorate as set out in the legislation. On the local government side—I am also secretary to the Local Government Boundary Commission for Scotland—the legislation sets out that we take account of the forecast for five years.

That all points to the need for regular review. We draw a line when we know there is going to be growth and there is capacity to absorb it through the existing 5% tolerance. I guess we could take account of it, but it is not something that has featured particularly on the parliamentary side, simply because of the way in which the legislation is drafted. We use the electorate at the start of the review; we do not guess what the electorate will be at a point in the future.

The Chair: We have four more questions and about 11 minutes on the clock, though I will push it on to get all the questions asked, because the evidence we are getting is very good for the inquiry.

Q20 Alec Shelbrooke: It is a pleasure to serve under you, Mr Paisley.

Thank you for your evidence, Mr Bellringer. It has been really informative. I want to explore the building blocks further. To pick up on the polling district, you said that you had done a piece of work and commented that it was difficult to stay on top of the reviews that came through—to be able to understand them—but, as you have also just outlined, you cannot build on shifting sands. At some point, you have to draw a line. In terms of using polling districts to build in this review, do you have a set of data sat there that you could use?

Tony Bellringer: Not this time round—because it was so expensive last time, in time and money, in the resource that had to be put in to develop it, and yet it was so instantly out of date. In the actuality, when we came to it, because in the last review we were still using wards as our building blocks—it is still our general policy to use the wards as the basic building blocks—we only split half a dozen in the final recommendations. So the times that that would need to be used under our existing policy are few compared with the amount of time and effort that needs to go into producing it, and given how quickly it goes out of date, we just felt that it was not worth doing this time around.

Q21 Alec Shelbrooke: Your evidence is based on 600, of course, so a much bigger size. I am a West Yorkshire MP, but to look at Yorkshire as a whole region, if I take the situation in North Yorkshire, building as you say on consideration of rivers, mountains and motorways, the constituency in Richmond is knocking almost 85,000—according to the figures up to this point, which we were using in November—and you have to bash around all the North Yorkshire seats to get them roughly into an area. That means, if you are going to go with wards, you cannot get around the fact that you will have big mountain ranges in the way, that people will have to leave the constituency to get to other places in it. I am thinking one of the solutions is the Great Ayton ward in North Yorkshire, which you can look at to come into Thirsk and Malton, to make the numbers add up. The knock-on effect goes down and into West Yorkshire.

It is important that we get some steer on how you could get away from using wards, which is a tradition—it is not legislated that it must be wards—because it negates having to go outside the 5%, which is another Organisation for Security and Co-operation in Europe recommendation, that for free and fair elections seats should not vary by more than 10%, and would allow the objective of keeping communities together, of keeping county constituencies together and away from borough constituencies. In my city of Leeds, my seat is a county constituency; the other seven seats are borough constituencies. That would be giving regard to keeping those existing seats together.

I am asking both commissions about the practicalities of what recommendations you would make to the Committee before we finalise these laws—how to get to a situation in which you can use the smallest building blocks to cause the minimum disruption, which is what you are really after when looking at constituencies. I am seeking some comment on that. Mrs Miller explored it well, but just outlining—

The Chair: I think he has got the question, Alec. We are really appreciative.

Tony Bellringer: The policy of using wards is fairly long standing, and it has always been discussed with the representatives of the political parties in the meetings before each review commences. In the past, they have generally been supportive of that. It goes to the statutory factor of having regard to local authority boundaries, because a ward is a local authority boundary. We view a ward as almost a representation of a local tie; generally speaking, when the Local Government Commission does its work it should try to bring people of the same communities into one ward. We use that almost as a substitute.

Q22 Alec Shelbrooke: I have one more question for both commissions. When you have a large constituency and perhaps have different authorities within it, has any member of the public ever made a complaint about other parts of the constituency, which may be tens or hundreds of miles away from where they live? Are their complaints based around their local community? Do you get complaints from elected politicians or members of the public about other areas of the constituency in those purer terms, or is it just about their local areas? Does it really matter to a constituent what the rest of the constituency takes in, as long as their local community is kept together?

Isabel Drummond-Murray: We certainly had a number of complaints about large constituencies bringing together communities that did not feel that they had anything in common with each other. Where possible, we made changes to reflect that. The tight tolerance of 5% meant that, initially, we had to come up with some ideas to put out for consultation. For example, we had a constituency in our initial proposal that stretched from rural south Perthshire down to urban Fife. There was very much a feeling that, "We do not have anything in common with that part of the constituency." So yes, I think people take account of more than just whether their local community is kept together; some people have concerns about other communities that they are associated with.

Q23 The Chair: Do you agree with that, Mr Bellringer?

Tony Bellringer: Yes.

Q24 Clive Efford (Eltham) (Lab): I think it is the first time in all these years that I have been on a Committee that you have been chairing, Mr Paisley, so it is a pleasure to serve under your chairmanship.

My question is about electoral registration. Do you find that it fluctuates between general elections? Do we get a higher registration level at the time of a general election, and should that be the point at which we count the population for future reviews?

Tony Bellringer: One of the few things that we do in between reviews is collect the electorates and see how they change from year to year, but we get only an annual snapshot. If it is around the time of a general election, the electorate numbers tend to go up. Unsurprisingly, people are encouraged to join the register and are motivated more to do so. I know there are arguments about the accuracy of the register at any given point in time. I do not feel qualified to comment on that, but it is certainly true that the numbers go up around the time of elections.

Q25 Clive Efford: You might not want to comment on this, but would it then make sense to calculate from a high point like that, so that it is perhaps more accurate at the next general election?

Tony Bellringer: If you are sure about the accuracy at that high point.

Q26 Clive Efford: Could I ask about your relationship with the Minister's office when you are carrying out a review? The Minister said in her opening remarks that she was looking forward to working with you. How much information do you share with the Minister's office? The Bill removes the final approval from Parliament, and we would want to scrutinise how much influence the Minister's office can have on the process.

Tony Bellringer: I am very pleased to say that we hold ourselves up as a model of independence in the process. During the substance of a review, we do not share with the Government, Government officials or Ministers any information about the substance of what we are working on that is not communicated to the public at large.

Q27 Clive Efford: Were you consulted on the drafting of the Bill?

Tony Bellringer: They did communicate and trial some of the proposals in the Bill with us in advance. They sought our views, specifically on administrative points and on deliverability.

Q28 Clive Efford: Is what you provided to the Government publicly available?

Tony Bellringer: Those are not published, generally.

Q29 Clive Efford: Perhaps you could add them to the notes that you are sending us. May I ask about consultation? There was a lot of consultation in my area that seemed to go reasonably well. Then one individual did a mathematical calculation, not taking any heed of all the local arguments made about common interests and geographical areas, and the Boundary Commission plumped for that at the last minute after all the consultation. That makes the consultation very frustrating. How much weight do you put on local input into consultations over the interests of somebody doing a disconnected mathematical calculation on a map?

Tony Bellringer: We have been very clear in the past that we do recognise strength of local feeling. If there are lots of people locally saying a particular thing, that carries a lot of weight with us. However, it will not be an instant knockout if somebody comes up with what we feel is a very well argued solution that might not have been proposed by anybody else previously that in our view respects more of the different factors and across a wider area and provides a better solution overall—maybe not for an individual constituency, but overall.

Q30 Clive Efford: Could I add a last bit on the consultation and the issue of flexibility? When you hear the arguments about local ties and suchlike, are there occasions when, perhaps in a minority of cases, you would want to go beyond 5% and would want that flexibility in order to address that local concern?

Tony Bellringer: It is something that we always used to be able to do in the past and did do on occasion. Prior to 2011, there was not this hard maximum and minimum, but we would still be aiming to keep constituencies within a broad range. Occasionally we would breach that if we needed to, to provide a better holistic solution.

The Chair: Chris, you have time for one quick question.

Q31 Chris Clarkson (Heywood and Middleton) (Con): Thank you, Mr Paisley; it is a pleasure to serve under your chairmanship.

My question is about how to deal with county boundaries or sub-units within a region. It is specifically an English problem, obviously. I will take the north-west as an example because there are five discrete units. If we take Greater Manchester's current electorate—I am using the December 2019 figures—we can neatly subdivide it into 27 seats that are just on the edge of quota. However, there are basically 49,000 extra voters that you could take in from Lancashire, so at what stage do you make a determination on whether to start splitting wards and have a neat compact unit within one county? Or do you start looking across county boundaries?

Tony Bellringer: As Isabel suggested, we have our nine regions in England, so we work within the regions. We start off by subdividing that as well, and we largely try and work with county units. As far as possible, we start off by trying to keep within county boundaries, but we might need to put a couple of counties together because we know that if you just do that initial mathematical calculation distribution, they end up with halves of constituencies in both counties, for example, and that will not work mathematically. You cannot have the smaller number or the higher number in either because they would be either too small or too big.

Q32 Chris Clarkson: What formula do you use to calculate how you divide between those sub-units? Is it just a Hare formula and you divide by the quota?

Tony Bellringer: We use the same distribution formula that is used to allocate the seats across the UK initially. We do that for the regions, and within the region we work out what we call a theoretical entitlement: if you use this agglomeration of a couple of counties, it would be allocated this many seats on the face of it.

Q33 Cat Smith: Do you have any concerns about polling districts having no legal standing and are just advised by local authorities for the administration of elections?

Tony Bellringer: I do not think that it makes a huge difference to us if they do not have a legal standing. They are a recognised administrative unit, as you say, that is used by electoral administrators in the delivery of an election. That is another reason why at the moment we use wards, because, although they have more of a legal status in law, they are used as a unit by the electoral administrators to deliver elections. One thing that we do have a mind to is that somebody has to use this constituency in delivering the election, and we want to make that process as smooth as possible for the people actually running the election as well.

The Chair: I am afraid that that brings us to the end of this session. As usual, it got more interesting as time went along. We probably could have had much more time, although I am sure that our two witnesses are very pleased that there is no additional time. However, it shows that there is considerable interest in this issue. More expert witnesses will come along now, so we will be able to continue some of these lines of questioning. I thank our two witnesses for coming today—you have been brilliant, informative and very helpful to the Committee. I thank you for your efforts.

Examination of Witnesses

Shereen Williams MBE gave evidence.

12.20 pm

The Chair: We will now hear from Shereen Williams, who is on the line. Shereen, can you hear us?

Shereen Williams: Hi. I can hear you.

The Chair: You are very welcome. We are sorry for keeping you for a couple of minutes. I was only allowed to run over because we had a technical issue with bells ringing, and I felt that we lost a couple of minutes. We will not let that little technical difficulty deny you that time at the end of this either. Introduce yourself, and then we will move on to the Minister.

Shereen Williams: I am Shereen Williams, secretary of the Boundary Commission for Wales. I took up the role in January 2019, and I also head up the joint secretariat for Local Democracy and Boundary Commission for Wales, which is responsible for local government boundaries.

The Chair: Thank you. I will call the party leads first, and then I will take questions.

Q34 Chloe Smith: Good morning, Shereen. It is very good to have you with us; thank you very much indeed. I repeat to you the note of welcome that I sounded to your two predecessor witnesses. Mr Paisley, if I may, I put it absolutely clearly on the record, in response to something that Mr Efford hinted at, that boundary commissioners and their civil servants are independent of Government. I am absolutely clear that only in the most general sense do I say that civil servants work with them. There is nothing more to be read into that. For the sake of the record, the Boundary Commission for Wales is a non-departmental public body of the Cabinet Office. I make that clear at the outset.

Shereen, may I ask about how you hold public hearings? We have gone through some more general discussion with your two predecessor witnesses, so perhaps we might turn to this angle with you. As you will be aware, the legislation proposes moving the timing of one of the public hearings but maintains very firmly that there should be ample public consultation, which we think is really important for public accountability and public involvement. Perhaps you might give us some insight into how you manage that for Wales.

Shereen Williams: The challenge we have had in the past is that we have to pick the five areas in which to hold the public hearings quite early on, so we have to guess which areas might have the most challenge, in terms of proposed constituencies. It is hit and miss. Sometimes you could be there for two days, and you would have one full day of people turning up for the public hearings, and the next day there will be a much smaller number. It also uses up a lot of staff resources and the time of the commissioners.

The Bill proposes that that is done as part of the second round of consultation, which would give us a bit more flexibility on where we should physically choose to have these public hearings, based on the feedback and representations we get in the first round of consultation. For Wales, it is very important that we have an appropriate spread across the whole country, to make sure that people can get to a public hearing if they need to.

Chloe Smith: Thank you, Shereen. I will pause there and let other colleagues take over.

Q35 Cat Smith: Wales presents a unique geographical issue due to its large, sparsely populated areas with seats that have a much larger acreage. I am thinking of Brecon and Radnorshire, Montgomeryshire, Carmarthenshire —all those rural areas with very large seats. However, you also have the geography of the south Wales valleys, with each valley currently tending to have its own constituency. Given the population change in Wales over the past two decades from when the data was last used, coupled with the very tight 5% quota, the new review is likely to mean that there will be quite a lot of change in Wales. We will potentially see constituencies with more than one valley and a mountain range in between. Are there any geographical features, such as those valleys, that you consider a priority issue when it comes to drawing Welsh boundaries?

Shereen Williams: The challenge that we have in Wales is that whether we go with 600 seats or 650, Wales will take the biggest hit in terms of loss of constituencies. It would mean, I think, a massive change: across the whole country, I cannot guarantee that even seats that fit within the current limits will be able to remain intact. That is the challenge we have in Wales; the 5% does give a very tight range for us to work around.

I think the valleys will present a unique challenge for us, because you do not really want to split a valley and have half in one seat and the other half in another seat. It will require us to look at our building blocks and how we work on that, getting input from local communities and from local authorities—from our stakeholders—and asking, "If we had to go down the route of splitting a valley, what is the best combination to work?" I am aware that we had the exact same problem at the last review.

Q36 Cat Smith: Would it be easier with a wider range of percentage away from the electoral quota? Would you find that community ties would be better reflected by having a wider range?

Shereen Williams: It would give us more flexibility, yes, to put communities together, but again, I think it is very clear that, as an independent body, we do not have a view as such on the electoral quota; that is something for our MPs to make.

Q37 Ben Lake (Ceredigion) (PC): Thank you, Shereen, for joining us. I want to follow up the line of questioning about how constituencies or proposed new boundaries are formulated. I am interested in how the commission approaches some of the statutory factors listed under rule 5 and, in particular, local ties. Could you elaborate a little on what in practice the commission has to consider under "local ties"?

Shereen Williams: From the commission's perspective, it is about communities that are together. We look at your electoral wards and communities that are linked through joint programmes and projects. Also, quite uniquely, in Wales, as you are very aware, is the Welsh language. We take it into account that you have constituencies where there are lots of links to the Welsh language. That is something we would like to keep together. That, for us as a commission, is what we would consider a community tie as well.

Q38 Ben Lake: That is great. I appreciate that there is a range of factors and that it is difficult to balance all of them. Indeed, the report that the commission published in response to the last review mentioned that the reduction from 40 to 29 seats in Wales would make it particularly difficult to reflect all the factors in rule 5. I appreciate that it is a little early, at the moment, to truly know how many seats Wales may or may not have, but how much of a difference would it make, in terms of your work in appreciating all the different factors listed under rule 5, if Wales were to receive more than the—well, the previously proposed 29 seats?

Shereen Williams: I think it will be just as complex as the previous reviews, because we are losing quite a lot of seats. If you lost one or two seats, it might be easier to amend existing constituencies by adjusting, making small boundary changes, but the fact that the number is a bit bigger—if you lose eight rather than 11, that three will help slightly, but the complexity will remain the same.

Q39 Jane Hunt (Loughborough) (Con): It is a pleasure to sit before you, Mr Paisley. I have a couple of questions, Ms Williams. First, the same phrase has been used in your session and in the session before. The reference has been to having a "very tight 5% quota", but in fact that means a 10% variance. I wonder what you think about equal vote, equal value versus a larger variance, which would mean fewer constituents in one constituency and a much larger group in another if there were a more than 10% variance, and how those constituents would feel about that.

Shereen Williams: I do not think that is something I can possibly comment on. As a commission, we are given the rules to work with, so it would not be up to the commission to comment on something like that.

Q40 Jane Hunt: Okay, but you talk about a "very tight" 5% quota, and that is something you will also be given if this measure goes through, so how would you then deal with it?

Shereen Williams: In the past, we have made full use of that plus or minus 5% to make sure that communities are kept together. If the variance is changed, we would still use the same practice where possible. A constituency could have exactly 0% variance or minus 5%, minus 4%, minus 3% or minus 2%. We would work within those parameters in helping communities stay together. That would be our limit.

Q41 Jane Hunt: Ward splitting was referred to previously. How would that work in Wales? There was some reference to some wards being too large, which gives me the idea that single-seat wards would be a good idea for the future. How would that work in Wales? Are there areas where local government wards are too large?

Shereen Williams: Like our colleagues in England, Scotland and Northern Ireland, we use electoral wards as our building blocks. However, if there was great difficulty, we would use community wards within the electoral ward. In the past, we have put forward proposals where one or two parliamentary constituencies had a split ward in them. It is a route that we would rather not take because it creates confusion for voters when you have a different local authority and a different parliamentary constituency compared with somebody who is in the same electoral ward as you.

Q42 Mrs Miller: I start by thanking Shereen for her evidence today. In your evidence, you have highlighted the specific challenges in Wales because of the beautiful geography you have. Can you and the Welsh commission learn from the experience in Scotland, when they undertook a very significant review of boundaries in the '80s—I am sure Scottish members of the Committee can remind me exactly when that was—when there was major reorganisation? It is a challenge, but it is one that has been successfully undertaken in Scotland and perhaps now the challenge falls to Wales. Is there any learning you can get from that?

Shereen Williams: The four Boundary Commissions are in regular contact. We rely on each other and we share good practice on a regular basis. In terms of those changes that have taken place in Scotland, I cannot imagine why we would not be able to invite Scottish colleagues to present to commissioners and to inform our thinking on how we deliver this report for Wales.

Q43 Mrs Miller: Sorry—that major change happened prior to 2005, actually. It is really reassuring to hear your comments.

Going back to the question that my hon. Friend the Member for Loughborough raised about splitting wards, it is interesting that that seems to be something that can happen in Wales and Scotland, although the procedures are not as easy as they might be. We heard that from the commission in England. Would you be able to advise the Committee about working with Mr Bellringer on what would need to be put in place to ensure that, if it was helpful, sub-ward-level splits could take place? Would you be able to provide some more information for the Committee on that?

Shereen Williams: Scotland and Wales's challenge is significantly different from England's because of the number of electorates. Tony has to co-ordinate in terms of trying to get all the parliamentary constituencies set up for England. In Wales, we are used to splitting wards because we tend to do that for our local government boundary reviews, so we are quite comfortable with the practice of breaking up electoral wards and splitting up communities into sub-wards in order to create electoral wards—this is going back to community wards. In terms of sharing that practice with Mr Bellringer, that would not be an issue, but I have to acknowledge that he has a far more difficult job in hand compared with us in Wales and Scotland.

Q44 Mrs Miller: Very finally, in Wales you have the wonderful Ynys Môn constituency, which is the second-largest island in the United Kingdom—I am nervously looking at the Chair here—or maybe the third, depending on how you view Northern Ireland.

The Chair: Rathlin Island. I think you are right.

Mrs Miller: I wondered whether, as somebody who was brought up in Wales and understands the importance of cultural identity within the Welsh nation and the psyche, you have thought further about how that constituency should be treated. I am a Hampshire MP, and the Isle of Wight gets particular protection because of that.

Shereen Williams: That would be something for Parliament to decide as to whether Ynys Môn becomes a protected constituency, as they have in Scotland and the Isle of Wight. It would not be for the commission to comment on that.

Mrs Miller: Understood. Sorry, I have probably pressed you too far on that.

The Chair: Shereen, thank you very much for your wonderful evidence and, more importantly, for getting us back on time. You have made my chairmanship so much easier. Thank you for giving us your time this morning.

Shereen Williams: Thank you for having me.

Examination of Witness

Eamonn McConville gave evidence.

12.40 pm

Q45 The Chair: We now move to our final witness before we break at 1 o'clock, who is Eamonn McConville. He is the secretary to the Boundary Commission for Northern Ireland. Eamonn, you are very welcome. Please introduce yourself.

Eamonn McConville: My name is Eamonn McConville. I am the Boundary Commission secretary for the Northern Ireland commission.

The Chair: Could you speak up a little for us? It is not a problem I have, but it is one that some other people have.

Eamonn McConville: Sure, no problem.

The Chair: We will move to the Minister first, then to the main party spokespeople, and then Shaun Bailey is the first on my list for this section.

Q46 Chloe Smith: Thank you for joining us this morning, Eamonn. It is excellent to have you with us. Can you help us to understand some of the differences that apply to your work compared with that of the other boundary commissions? I am talking from the premise that we are extremely keen to bring about equal and updated constituencies that apply within and across all the nations of the United Kingdom, but it is a fact that in the pre-existing legislation, particular provisions are made for Northern Ireland. Would you be able to talk us through those and why you think they are important?

Eamonn McConville: Yes, Minister. Northern Ireland is obviously geographically the smallest part of the United Kingdom, so we literally have less room for manoeuvre when it comes to creating our modelling of the constituencies. That can be compounded by the effects of rounding during the calculations under rule 8, when it comes to allocating constituencies to each part of the UK.

That can leave us restricted in our ability to create the correct number of constituencies under rule 2. The legislation does currently, and I think the new legislation does prospectively, include a small degree of flexibility that allows us to fall beneath or outside of the plus or minus 5% tolerance from the electoral quota, but as I say, that is there because it recognises the mathematical conundrum that can sometimes present itself in Northern Ireland.

Q47 Chloe Smith: Thank you, Eamonn. May I also invite you to say a little about the way in which the parliamentary constituencies link to the Assembly seats, for the benefit of the Committee?

Eamonn McConville: The parliamentary constituencies create the boundary under which the Northern Ireland Assembly constituency areas are formed. They are further subdivided into five areas for the Northern Ireland Assembly elections. There is that coterminosity that does not exist, for example, in Scotland.

The Chair: For clarity, Eamonn, you said five areas, but do you not mean five seats in each constituency?

Eamonn McConville: Five seats, yes. Sorry, Chairman, that is exactly what I meant.

Q48 Cat Smith: I would like to ask a bit about how coronavirus might impact on the work of the commission. Given the slightly contracted public consultation period, has any consideration been given to how that work might be done if social distancing is still in place?

Eamonn McConville: The most pressing impact of covid-19 for ourselves in Northern Ireland is in relation to the recruitment and training of staff ahead of the commencement of the next review. There are obviously practical implications of being face to face while still maintaining social distancing, but there is the added difficulty that commission staff are seconded from other Departments. That is our normal practice. Those Departments are under pressure to resource their response to covid-19 and to Brexit, which is coming down the line. There is a real difficulty facing us at the moment in terms of getting staff in and trained in time for the next review, but we are working with Departments on that.

Q49 Cat Smith: What kind of timescale were you planning for the recruitment and training of staff?

Eamonn McConville: We had hoped to recruit the first of the staff by September. We are a small team, so we plan to get the remaining two staff in by December of this year. We are still within a reasonable window, but time marches on fairly quickly when dealing with recruitment processes and getting staff released, so we are keen to get that work under way.

Q50 Cat Smith: If I may take a different line of questioning, obviously there are unique community issues in Northern Ireland, which we all understand. How would you take those into account when drawing boundaries? Does having a tight margin make that particularly difficult, in terms of percentage variance from the electoral quota?

Eamonn McConville: During our public consultations, people are free to put forward whatever local issues or local ties pertain to themselves and their local areas. The one thing that we cannot take into account—this applies across the UK, to all of the commissions—is anything that would affect or is influenced by electoral trends, electoral outcomes and things like that. Anything that would fall under a local tie is valid, in terms of what we would consider.

The second part of your question was on the electoral quota range. Again, as my colleagues have told you, the 5% presents issues in terms of accommodating local ties more roundly across Northern Ireland. As I said earlier to the Minister, we have the flexibility in rule 7 in terms of geographical limitations, because of the particular circumstances in Northern Ireland. It is interesting to note that the flexibility in the 2018 review would actually have come within the plus or minus 7.5% that has been discussed previously by other people. It is not a huge degree of flexibility, but it does allow us—when we are restricted in circumstances under rule 2—to have a certain degree of flexibility.

Q51 Shaun Bailey (West Bromwich West) (Con): It is a pleasure to serve under your chairmanship, Mr Paisley. Northern Ireland underwent significant local government reform about five years ago, and the number of local authorities was reduced from 26 to 11. I wonder whether any lessons were gleaned from that experience. Could

that work be cross-applied as the boundaries are reviewed here? Linking to the point about communities, what were the community considerations that came out of that, or were gleaned from any cross-discussions that you had?

Eamonn McConville: You are absolutely right that we now have the 11 local government areas, but we are working with different factors. In the last review, the 2018 review, we had 17 constituencies. While our considerations would have included trying to fit as many whole parts of local government areas into the 17 constituencies, the mathematics just do not allow for that, so we then take on board the other factors, which include local ties.

In Northern Ireland—it is similar across the UK—we have more major towns with satellite towns and villages around them. That is one thing that came to the fore in our consultation process, and we tried to accommodate that in our proposals as they went through the various consultation stages. There are similarities, but clear differences, simply because of the rules that we operate under.

Q52 Shaun Bailey: We have heard a lot from the Boundary Commission for England in particular about how it is difficult to drill down to that local level. When you were going through that overhaul, I suppose in a way it was a bit of a blank canvas. I am interested to understand this from a data point of view. How did you go about acquiring the data from people? Was it a similar mechanism to what we heard about, utilising postcodes, or were you using other datasets? I am conscious of the community element, but I am interested to hear how that operated in Northern Ireland.

Eamonn McConville: Do you mean for our initial proposals, or as the process progressed?

Shaun Bailey: Yes, for the initial proposals, but perhaps you could say if you were diverted as the process developed.

Eamonn McConville: We operate with exactly—or very close to—the same operational methods as the other commissions. We all operate under the same legislation, with the requirement to carry out the three public consultations. As my colleague Tony said, the initial proposals are our best estimate as to what would be a good starting point. From there, we seek public views and, if required, we amend to accommodate those within the factors that my colleagues mentioned previously—local ties, geographical features, existing constituency boundaries. It is a very similar process to that outlined by my colleagues.

Q53 Chris Clarkson: My points dovetail nicely with my colleague's questions. We have been talking quite a bit about the necessity, or desirability, of ward splitting in England. Obviously, it is a slightly different situation in Northern Ireland because, in addition to wards, you have electoral areas. I want to understand what you use as the principal building blocks for drawing the new seats—is it electoral areas or wards? If it is electoral areas, at what stage do you start splitting those back down to constituent wards?

Eamonn McConville: Our building block is set out in the legislation as the local government ward that exists. In Northern Ireland, our electorate in each of those wards is smaller than, for example, in England. Tony spoke earlier of wards with 10,000. Ours typically have 2,000 to 3,000.

We still face the issue of how small we are geographically, plus having Lough Neagh right in the middle of Northern Ireland, so there are times when we are balancing all the factors. Consideration of splitting a ward does arise, but, like my colleague, there is no ready-made data set through which we could split a ward. We have to take that into account, whether by looking at geographical features or through another method. For the last review, we decided not to split any wards.

Q54 Christian Matheson: Mr Bailey may have touched on this in his question about local government boundaries after the contraction. Mr McConville, what efforts do you make to keep the constituencies as coterminous as possible with the new boundaries? I asked two of your counterparts earlier about constituencies that cross over multiple local authority boundaries. I wonder if you have any views on that, too.

Eamonn McConville: It is really a matter of mathematics. We have 11 local government areas and in the last review we had to create 17 constituencies. It is one of the methods that we try to take into account, initially and as the process proceeds.

Simply from a mathematics point of view, it will require splitting off the larger local government areas into the various constituencies. As I said, as well as the local government areas, we will take account of responses that come in from the public to inform the proposals and the creation of the constituencies as the process proceeds through the review.

The Chair: Eamonn, may I take this opportunity to thank you for presenting us with this evidence and for giving us your time this morning? Right on cue, like a Swiss clock, you have managed to get us to the end of this session on time. I appreciate that. That brings us to the end of this morning's session. The Committee will meet again at 2 pm in the same room to take further evidence.

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

12.57 pm

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

PARLIAMENTARY CONSTITUENCIES BILL

Second Sitting

Thursday 18 June 2020

(Afternoon)

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

not later than

Monday 22 June 2020

The Committee consisted of the following Members:

Chairs: Sir David Amess, † Ian Paisley

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

Sarah Thatcher, *Committee Clerk*

† attended the Committee

Witnesses

Roger Pratt CBE, Boundary Review Director, Conservative Party

Tom Adams, Acting Director of Data and Targeting, Labour Party

Dave McCobb, Deputy Director (Campaigns & Elections), Liberal Democrats

Scott Martin, Solicitor, Scottish National Party

Geraint Day, Deputy CEO and Head Elections Campaigns Unit, Plaid Cymru

Professor Richard Wyn Jones, Wales Governance Centre

Public Bill Committee

Thursday 18 June 2020

(Afternoon)

[Ian Paisley *in the Chair*]

Parliamentary Constituencies Bill

2 pm

The Chair: You are all very welcome back to the Committee. We have six witnesses over this afternoon's session. Three witnesses will be physical and three will be down the line using digital technology.

If people want to remove their jackets and bring in refreshments, that is fine by me. I emphasise that those who do not have a microphone in front of them but wish to ask a question should make their way to the microphone in the corner of the room, for *Hansard*'s sake.

Examination of witness

Roger Pratt CBE gave evidence.

2.1 pm

The Chair: We will now hear from our first witness this afternoon, Mr Roger Pratt. Roger, you are very welcome.

Roger Pratt: Thank you.

The Chair: I hope that you enjoy today's session, rather than endure it. If you introduce yourself for the record, we will then move on to questions, starting with Chloe Smith.

Roger Pratt: Thank you, Mr Chairman. I am Roger Pratt, the boundary review director for the Conservative party.

Q55 The Minister of State, Cabinet Office (Chloe Smith): Thank you for joining us today, Roger. I will turn to the use of data, after the more general questions we had this morning. Can you give your view on the robustness of the sources from which we take data for the review? They have for some time and for a number of reasons been based on electoral registration data, compared with, for example, census data or other sources, and they are usually based on the canvass as the point in the year. Can you offer any comment on why that is a sensible approach?

Roger Pratt: Thank you very much. I fully support the use of electoral registers as the basis. They are likely to be the most up-to-date information that one has—they are conducted on an annual basis and electorates have always been the basis for parliamentary boundary reviews. In fact, it was the Labour Government in 1948 who brought forward the use of electorates, following a unanimous recommendation from the Speaker's conference of 1944 that the electorate be used, and it has been used ever since—I think that is absolutely right.

On the data that might be used, I think it absolutely right, under the very strange circumstances that we have, that the 2 March 2020 data be used rather than the December 2020 electorates, which clearly would normally be used. I thought that might be worthwhile to look at. I know there have been suggestions that one should look at either the general election figures or the December '19 figures, but I do not think that those are robust because the December '19 figures—the figures published recently on the Boundary Commission website and by the Office for National Statistics—and the general election electorate data, which are publicly available, differ very markedly. The difference is about half a million electors between those two figures—that is a dramatic difference, but it is not all one way.

Three hundred and eighty-eight seats were actually larger at the general election than on 1 December, but 261 seats were smaller at the general election, so it went both ways. I do not think that either the general election or December '19 figures are robust, and I am sure that the March figures, when they can be properly checked and cross-checked by the Boundary Commission, will be much more robust and that, in my view, will be the right data to use.

Q56 Chloe Smith: Thank you very much. I am sure that when we think in terms of robust data, we all know the definitions of completeness and accuracy, which are the two terms that we use in this arena. It is not necessarily the case, as people argue, that a larger register from general elections is in itself a good thing. Would you agree that what we are looking for is completeness and accuracy? Would your view be that there is a good chance of that from the March figures and, more long term, that there is the best chance of that from the canvass data every year?

Roger Pratt: Absolutely. Completeness and accuracy are absolutely the right words, and the best opportunity of that is to get it normally at the annual canvass and, in those special circumstances, on 2 March.

Chloe Smith: I have a final question to round off that set. Obviously, we all want to see as many people who are eligible to be registered as possible—and that, I trust, would be the view of the Conservative party.

Roger Pratt: Absolutely. Every effort to drive up registration, to make sure everyone is registered, is a goal we all support.

The Chair: We will now make our way around the group leaders, unless I signal otherwise. If anyone else wishes to speak, just catch my eye.

Cat Smith (Lancaster and Fleetwood) (Lab): Thank you, Roger, for coming to give evidence. Are there any specific circumstances in which electoral quota could be relaxed in order to avoid splitting an electoral ward? For example, even though the vast majority of seats were within the 5%, if in one or two very localised examples a 6% variance would prevent a ward splitting, would you find that preferable?

Roger Pratt: No, I would not: I think we have to stick to the quota. There are already exceptions in the Bill—four constituencies are clearly protected, Northern Ireland has special rules for the quota and there are rules about the area of a constituency, which in effect affects only

northern Scotland. Those exceptions are in the Bill. Otherwise, it is right to have the 5% tolerance and, within the 5% tolerance, we can get constituencies that meet quota but also respect communities.

The best opportunity, as was said in the report by Mr Pattie and others, is split wards, which make a considerable difference. Splitting wards is the opportunity to make sure that constituencies are in the right place in terms of communities. I know you are to speak to Mr Pattie later—very sadly, Ron Johnston died recently—but, just so you know, in their report, they said:

"The Boundary Commissions for Northern Ireland, Scotland and Wales were prepared to split wards where they considered that sensible; the Boundary Commission for England was extremely reluctant to do so, and many of the problems that emerged in its recommendations resulted from this."

They went on:

"With ward-splitting, it is possible to have substantially more unchanged constituencies—and, as a corollary, substantially fewer undergoing major change—especially with the tighter tolerances. The advantages are particularly pronounced at lower tolerances with 650 seats but, as the tolerance is relaxed, ward-splitting is needed in fewer areas".

So I believe in ward splitting, rather than in relaxing the tolerance.

The 5% tolerance—10%, either way—is right. Otherwise, we could have one constituency that is 67,000 next to another that is 78,000, so ward splitting is right. There are those few exceptions in the Bill, as is correct.

Cat Smith: One of those exceptions would be the Isle of Wight, which looks set to get two MPs under the Bill. On current figures, that would come in at about 55,000 electors in each, which is about the size of many Welsh constituencies, in particular if we look at the Welsh valleys and their geography, where mountains divide communities. How do you explain the difference between those geographical features that make the Isle of Wight the exception but not necessarily the Welsh valleys?

Roger Pratt: The Welsh valleys—I actually live in one, so I have some experience of this—are totally different from the Isle of Wight. You suggested that the Isle of Wight had similarities with the Welsh valleys, but the Isle of Wight is an island without any direct link to the mainland; all the Welsh valleys have links to the rest of Wales, and so on. It is not sensible to link the Welsh valleys with the Isle of Wight.

The treatment of the Welsh valleys is absolutely right. Unfortunately, Wales will take a hit—one has to say that—but the position is that just before 2005, Scotland was required to reduce the number of seats to the English quota. They were required to use the English quota prior to 2005 with the Scottish Parliament. That was not required in Wales with the Welsh Assembly—Wales now has a Welsh Parliament—but unfortunately that means that Wales will take a hit.

However, I think it is right that my vote in Monmouthshire should equal a vote in another part of the country. Monmouthshire is one of the largest, but my doctor's surgery is in Blaenau Gwent, one of the Welsh valleys to which you refer. Is it right that Blaenau Gwent has 50,736 electors whereas just over the Severn bridge in Bristol West, they have 99,253? I do not think that is right, and Wales will take a hit—there is no doubt about that. However, it is right that you have a standard quota throughout the United Kingdom. That is fair and that is equal.

Cat Smith: My final question. We have the representative of the Conservative and Unionist party before us, and you have acknowledged that Wales looks set to take a hit. It looks to be the most badly affected of all the nations of the United Kingdom in the review. What assessment do you make about the integrity of the Union in terms of the consequences of this boundary review and Welsh voices in this place?

Roger Pratt: I think the Union is intact. The whole of the Union will have the same quota. It is absolutely right that everywhere in the United Kingdom has a quota and so every person in the United Kingdom has the same representation. The difference in Scotland and Wales is that they have a Scottish Parliament and a Welsh Parliament. They still have equal representation in the UK Parliament, which I think is absolutely right, but clearly the Members for Glasgow East and Ceredigion do not have responsibility in this place for health and education, whereas all the other Members on the Committee do.

Scotland has a slight advantage over the rest of the United Kingdom, quite rightly in terms of the Western Isles and Orkney and Shetland. I fully support that. However, it means that—slightly—Scotland has an advantage over the rest of the United Kingdom because those are very small seats. I do not object to that in any way. The Union is intact because everybody's vote counts equally whatever part of the United Kingdom they come from.

Q57 David Linden (Glasgow East) (SNP): I want to follow on from the last question. On the issue of equality within the United Kingdom, it was the view of the Conservative party for quite some time that the number of seats should be reduced to 600. Am I right in thinking that your view is now in line with the Government's—that it should be 650?

Roger Pratt: Correct, yes. I am fully supportive of 650.

Q58 David Linden: You are very honest about the fact that, in your words, "Wales will take a hit" as a result of the legislation—I think that is on the record. Are you also willing to place on the record that Scotland, too, will lose seats as a result of that? If so, can you say how many seats Scotland will lose?

Roger Pratt: I cannot say how many seats Scotland will lose because we do not yet have the figures from 2 March. When we have those figures, we will know, but on certain calculations they lose two and on others they lose three. I expect it to be either two or three seats. Wales is likely to lose eight, but we will have to see.

I think it is right that Scotland and Wales do that. Scotland's electorate has not gone up as fast as England's. It had to use the English quota previously and now that has not caught up because England's electorate has gone up more. In terms of Scotland, your own seat is one of the larger seats in Glasgow, but there are four smaller seats in Glasgow, one of which is 57,000. I do not believe it is right that a seat in Glasgow should have only 57,000 and two other members of this Committee in the south-east of England both have well over 80,000. It is right there is an equal quota throughout the United Kingdom.

Q59 David Linden: Of course, your research will show that my seat is spread over two local authorities as well. I am the only MP in Glasgow whose constituency is not coterminous with the city of Glasgow.

I want to ask you specifically about the idea of the size of constituencies. You have hit the nail on the head in terms of some island communities, which are protected; Na h-Eileanan an Iar is a good example of that. There is also what was proposed as the Highland North constituency, which is probably the size of a country like Belgium or Luxembourg. Do you have a view on the limit of 12,000 to 13,000 sq km being the provision for a constituency? Is it the Conservative party's view that that is a manageable size of constituency for a Member to deal with?

Roger Pratt: Of course, your parliamentary leader represents a constituency that currently is the largest in the United Kingdom, and that is 12,000 sq km. I could not find a more accurate figure than 12,000, but it is 12,000, so I think that was why that figure was brought into the Bill as the constituency that was of that size. That is right in terms of 12,000. It cannot go beyond 13,000, but above 12,000 gives the Boundary Commission in Scotland discretion if it so wishes between 12,000 and 13,000.

There is discretion if the commission wishes to use it if a constituency is over 12,000. It is up to the Scottish commission, but that is the right balance. It is currently the largest constituency in the UK Parliament, and the Boundary Commission has discretion up to 13,000.

David Linden: Okay, can I finish off with one question going back to the equality of the United Kingdom? You said yourself that Scotland stands to lose two or three seats. How would you, as a representative of the Conservative and Unionist party, reconcile that with what people in Scotland were told in 2014—how we were better together and we should be a United Kingdom?

Roger Pratt: I still think you are better together, obviously. I do not think the fact that you will lose two or three seats affects that in any way. You will still have the same equal representation; actually, slightly larger because of the Western Isles—I apologise, but I cannot pronounce it in the way you did—and Orkney and Shetland, so there is a slight advantage there for Scotland. But I think it is right that it should have the same equal quota as the rest of the United Kingdom.

It is just right that Scotland should have the same quota. I do not think it means that the whole of the UK is an equal and fair place. I noticed that in the Bill brought before the House by the Member for Manchester, Gorton, there was no change in either Scotland or Wales; they would have been exactly the same. There was a change in the Bill to Northern Ireland, but no change as far as Scotland and Wales are concerned. That is absolutely right and I support that part—not others—of the Khan Bill.

Christian Matheson (City of Chester) (Lab): If it helps, Mr Pratt, I believe the correct pronunciation is Na h-Eileanan an Iar.

Roger Pratt: I am not going to try!

Christian Matheson: I thought I would get that one in.

I have just one question. Moving away from the numbers, what is your experience of being able to influence local proposals once they are already out? How flexible have you found the Boundary Commission and the assistant commissioners to be? What are the most useful arguments to deploy when considering the ones that perhaps resonate most with the boundary commissioners when you consider local proposals?

Roger Pratt: Thank you very much indeed. Absolutely, the Boundary Commission and the assistant commissioners do listen. That is very important.

The whole point of this process is that it is consultative. It is a three-stage process and I think the changes to that process are right. You have got the initial proposals coming out and then you have got the secondary consultation stage, including the public hearings when people can discuss not only the Boundary Commission proposals but any alternatives that have been put forward, which I think is absolutely right for that secondary stage, and then you have got the revised proposals.

The commissioners do listen and they change their minds. I have found them to be very accommodating to what should be changed if people make a good argument. The arguments have to be based around the factors in rule 5: existing constituencies, local government boundaries, local ties and geography. Those four factors are the way in which you persuade them to change. Indeed, we changed them a number of times: in the last review, the Boundary Commission for England changed the composition of more than 50% of the constituencies. That showed they were prepared to listen.

During the Second Reading debate, you referred to the notorious Mersey Banks constituency, which illustrates the issue very well. I entirely agree with you: it was one of the strangest proposals I have ever seen from a boundary commission, but like the Labour party, the Conservative party opposed it. We all opposed it at the initial stage, and the boundary commission came out with revised proposals. They never came out with final proposals because the review was effectively suspended, but they changed Mersey Banks so there was no detached constituency. That is the whole point of the process: you have a proper consultation, then they come out with the proposals that best meet the factors within the quota tolerance level.

The Chair: We still have nine minutes with you, Roger, so I will call John Spellar.

Q60 John Spellar (Warley) (Lab): Thank you, Chair. First, Roger, you were very robust in your declaration of support for 650 seats. Were you as robust in your support for 600 when it was Conservative policy?

Roger Pratt: I always support whatever is the Conservative party line. I am a Conservative party employee.

Q61 John Spellar: You talked about the Isle of Wight as if this issue were somehow absolutely insuperable, but you also talked about the constituency that includes Skye. Until the Skye bridge was built, people had to get across by ferry, so why is it so utterly impossible to have linkage between part of the Isle of Wight—a much bigger constituency, as you have agreed—and part of the mainland, if we have achieved it in Skye?

Roger Pratt: I think I am right in saying that the decision about the Isle of Wight followed discussion in the House of Lords about the previous Bill. The Lords

decided that it was wrong for the Isle of Wight to link with part of the mainland. There is quite a large chunk of water. Those two constituencies would be made up of about 55,000 people, as you rightly say, but it is difficult: you have to get a ferry and so on. I appreciate that there is a Skye bridge, but you could not do Skye on its own. I cannot remember what the Skye electorate is, but it is not very large.

John Spellar: There are lots of ferries between Portsmouth and the Isle of Wight, though. I was recently on a Defence Committee visit there, prior to covid-19, and the ferries are quite regular and quite quick.

Roger Pratt: There are ferries, but if we are talking about communities, I think the Isle of Wight would feel very let down if it were linked with part of the mainland. I remember a boundary commission where it was suggested that there should be a seat crossing the Mersey between Liverpool and the Wirral, and that suggestion was very unpopular and rightly changed as a result of the consultation. With the 12,000 people from Skye, the current electorate of Ross, Skye and Lochaber is almost exactly the same as the seats in the Isle of Wight would be. The Isle of Wight seats would be very slightly larger.

Q62 John Spellar: You conflated the situation in Scotland and Wales, did you not? Was not the reason why Wales retained a degree of what we accept is over-representation precisely so that the Welsh voice was heard in Westminster, because much more legislation regarding Wales was dealt with in Westminster than legislation regarding Scotland? Surely the underlying point is about the integrity of the Union and maintaining a strong voice for Wales, which is still much more directly linked with England than is Scotland.

Roger Pratt: You are right that Wales was not required to use the English Parliament. At that time, there was a Welsh Assembly; it is now called the Welsh Parliament. That Parliament has a lot of responsibility, particularly for health and education, but for a lot of other matters as well. Members of Parliament from England have to deal with health and education, whereas those from Wales do not, so I think it is right that Wales should be on a fair and equal basis with England, Scotland and Northern Ireland.

Q63 John Spellar: I agree with you about using the electoral register as the basis for drawing this up. You mention both accuracy and completeness. Would it be right to give greater powers and direction to electoral registration officers to use their access to public data to improve the completeness of the register and, as with registrars of death removing those who have died, the accuracy as well?

Roger Pratt: Certainly it needs to be as accurate and complete as it possibly can be. Some of those matters are beyond the scope of the Bill, but I would support all the measures that the Government are taking, as are the Scottish Government and the Welsh Government, and all the local authorities, to ensure the most accurate and complete register we can possibly get.

Q64 John Spellar: Finally, you mentioned that something like 50% of the initial recommendations were altered. Is that not partly because if they followed an argument in one constituency, because of the 5% margin, there were inevitable knock-on effects on many other constituencies, which could have been perfectly easily accommodated had there been a wider margin of difference? You had a domino effect rather than dealing with a perfectly proper and legitimate cause of local complaint.

Roger Pratt: There were some perfectly legitimate causes of local complaint, but one of the things they had to do was make sure that the knock-on effects were affected. Certainly, the Labour party and ourselves and others always put in an overall plan, so you could look at the overall plan. That is what you must do to try to get it right sometimes.

The Labour party and ourselves and other parties agreed in Dorset. All three of us came up independently with the same alternative plan for the Boundary Commission, so I do believe that it is right. I do not believe that a 7.5% quota is right.

It is a question of balance, isn't it? It is a question of the balance you strike between getting a quota right and community ties. I think the quota at a 10% variance, rather than at 15%, which you would have under seven and a half, is the right balance to strike.

In the past, the Boundary Commission, in the rules under which you were all elected, stated quite clearly that it needs to get as near as possible to the electoral quota—that is in the Act—but it has been conflicted as to how it uses those rules. Under the new rules, it is not; it knows it has to get everything within 10%, that is 5% either side, but, in addition to that, it uses the rules to make sure that it uses the other factors. It does not need to get as near the quota as possible. Mr Bellringer made that clear this morning.

If I may, Mr Chairman, I have one other point on the 10%. The right hon. Member for Elmet and Rothwell referred to the Organisation for Security and Co-operation in Europe. The OSCE Office for Democratic Institutions and Human Rights publishes an election observation handbook, which says that,

"all votes should carry the same weight to ensure equal representation. This means that each elected representative represents a similar number of registered electors. For example, in a majority voting system, the size of the electorate should not vary by more than approximately ten percent from constituency to constituency."

I think that is the right balance to strike.

Q65 Jane Hunt (Loughborough) (Con): I have a couple of questions about reviews. First, on the proposal for an eight-year review cycle, could you tell me what you think of that, and why?

Roger Pratt: Yes. I think that is absolutely right. When there was an original five-year term, it was linked to the Fixed-term Parliaments Act 2011. Since then, we have had two general elections not based on the Fixed-term Parliaments Act, and I think it is the Government's intention to change that Act. So I think eight years is the right balance to strike, so that normally you would have two Parliaments between each review.

Q66 Jane Hunt: Super. And if I may, I have a second question, which is about the review process, or rather the consultation process. Again, it is proposed that that process will change slightly. What do you think of that?

Roger Pratt: I fully support the changes. I think it is right that the initial proposals should be out there for eight weeks, and you should not be having public hearings during that period. It was very difficult to have public

hearings during the initial period; I think that caused problems for parties and people. It is much better that, during the secondary consultation stage, which is six weeks, you have those public hearings, and you can discuss not only what the Boundary Commission has brought forward but any other alternatives that are brought forward in the first stage. So I think it is absolutely right.

The Chair: Order. I am afraid that brings us to the end of the time allotted for the Committee to ask questions of you, Roger. Thank you very much for your time and your expertise today; they have been much appreciated.

Roger Pratt: Thank you very much, Mr Chairman.

Examination of Witness

Tom Adams gave evidence.

2.31 pm

The Chair: We now move to our second witness this afternoon. We will hear from Tom Adams. Tom is the acting director of data and targeting for the Labour party. And we will have until 3 am for—[Hon. Members: "Three am?"] Sorry, I knew there was something wrong there.

Tom, we have until 3 pm with you today. I will go round the Front-Bench spokespeople first and then other Members, as they signal, will ask you questions.

Q67 Chloe Smith: Thank you for coming to join us today, Tom; it is much appreciated. I also thank all the political parties who we have before us today for some of their technical engagement with the Cabinet Office in preparing the Bill.

Tom, may I invite you to talk about the automaticity provisions in the Bill? By that, I mean the measure that we are proposing whereby the review's recommendations should come into effect automatically, without the possibility of political influence either from the Government or from Parliament. What is your view on those provisions?

Tom Adams: Broadly, I think there should still be some parliamentary scrutiny of the review's recommendations at the end. Fundamentally, while the commissions are obviously independent, the advice and instructions given to them by the Government are obviously given by the Government of the day. And given that there is still some scope for whoever is in Government at that time to influence the process in some way, I think it is right that the review's recommendations come back to Parliament.

Fundamentally, the Government have obviously now decided, rightly in my view, that there should be 650 seats and not 600, but obviously the previous reviews—two of them on 600 seats—would have been implemented automatically if these new rules had been in place at that time, which Parliament might later have come to regret if it has since changed its mind. And obviously at those times, there was no parliamentary majority for implementing the change to 600 seats, but Parliament would not have been able to do anything about it at the time.

So I think that Parliament offers a last stop-gap, and it is right that Parliament gets the final say on these matters, just as an important principle of parliamentary sovereignty on this material.

Q68 Chloe Smith: Thank you very much. You said that the Government would have the ability to influence the instructions given to the Boundary Commissions. Could you point to where that is in the Bill?

Tom Adams: Sorry—what I mean is that obviously the Government, by proposing the Bill and passing it, will be able to set things such as the 5% threshold. That is obviously something that the Government have decided upon and Labour has taken a different position on that. That is what I mean—the Government are deciding that that is the threshold to be used. Therefore, given that the Government have some ability to influence this process—it is not completely and utterly independent, because fundamentally the commissions have to work within the guidelines that the Government have given them—I think it is right that the proposals that come back should be agreed by Parliament at the end of the process.

Q69 Chloe Smith: There is a final question in my set of questions. Indeed, we all believe in parliamentary sovereignty, but is it not Parliament that sets those rules rather than the Government?

Tom Adams: That is true, but if a Labour Government were proposing this Bill, there might be slightly different thresholds, for example, so clearly the Government still have quite a lot of influence over what is put in the Bill in terms of these boundaries, which obviously will persist for at least—possibly—two general elections. That is why I think it is right that it does come back to Parliament at the end.

Q70 Cat Smith: Tom, thank you so much for coming to give evidence this afternoon. In the session so far, there have been quite a lot of contributions from members of the Committee about the balance between having constituencies as equal as possible and maintaining community ties. Members have given examples from their own areas about different ward sizes making it more challenging in some areas to do that without splitting wards than in others. I just wonder what you think, having overseen this on a more national level for the Labour party, about where the balance should lie. I suppose my question is this. Can you foresee specific circumstances in which in order to avoid splitting a ward, it would be preferable to have some level of exceptional flexibility on the 5% in relation to the quota? For example, if a handful of seats across the country were at 6%, would that be preferable to having wards that were split between different constituencies?

Tom Adams: Broadly, yes, having a constituency that varies by 5.5% from the quota makes more sense than having a split ward or, indeed, an orphan ward added to a constituency, where you have one ward from a different local authority. I think that makes more sense from the perspective of maintaining community ties and having constituencies that the public understand and have trust in. It is a question of having some flexibility in specific areas. Obviously, some wards in the country are very, very large in terms of electors, particularly in the west midlands, where some wards in Birmingham have 20,000. That obviously makes it very hard, in those areas, to come up with arrangements, so having additional flexibility

on the 5% figure would make that easier. The same applies to some bits of Wales, for example, where the geography obviously makes it much more challenging.

Q71 Cat Smith: What about things like polling districts? Do you have any concern about the use of polling districts? For instance, they have no legal standing. Does that concern you at all?

Tom Adams: Yes, I think wards should be the building blocks for this. Obviously, where a decision is taken to split a ward, if that is absolutely necessary, it should be along the existing polling district lines, but as you say, polling districts do not have a clear legal status. Councils can amend them, basically, as and when they want. There is not a clear process for how that happens in the same way as there is for how wards are done by the Local Government Boundary Commission. Polling districts are at the discretion of the councils, and although in some areas they are based on parishes, in many others they change quite frequently.

We saw, for example, in the general election some councils that created polling districts just for the purposes of helping them to administer the general election, and then they got rid of them afterwards again. Things like that make it very hard to have a consistent process that is based on using polling district boundaries. Using wards would be much preferable, and avoiding splitting where possible; and where that is necessary, that is when you can use the polling district boundaries to do that. I do not think polling districts should be the primary building block for this process.

Q72 Cat Smith: Finally, with regard to the register that is used to draw up the boundaries, the Government have tabled an amendment to the Bill to use the March 2020 register. What are your thoughts on that, and do you have any concerns about the accuracy of that register?

Tom Adams: I very much welcome the move from December 2020 to March 2020. Obviously, the Minister will be aware that we have raised significant concerns about this, in the earlier engagement with political parties. We still have some concerns about the impact of people dropping off the register even between 12 December 2019 and March. Obviously that will be less significant compared with December 2020, but just in our rough estimations looking at it now, it does look likely that a few hundred thousand people will have dropped off the register in that time, because obviously there are areas where people move a lot and there is high turnover of population.

On 12 December there was a general election, so that register will be the most complete a register is going to be. To my mind, it makes sense to use that one, although obviously I strongly welcome the use of 2 March as compared with December 2020, when I think the impact on the annual canvass of coronavirus will have been quite significant. I think the 12 December one would be better: it will be more complete and a better representation of the actual electorates in these places. But 2 March is certainly preferred to December 2020.

Q73 David Linden: Mr Adams, you are director of data and targeting. I think we all know that a lot of what you do is probably running numbers through spreadsheets. Have you run a number through your spreadsheet as to how many seats Scotland and Wales would lose under these proposals?

Tom Adams: Obviously, the commissions did publish the numbers on this, but broadly, there is likely to be a loss of three seats for Scotland and a loss of eight seats for Wales. Obviously, that might change slightly, depending on exactly which register you use, but it is going to be in that region of change.

David Linden: That is very helpful; thank you.

Q74 Ben Lake (Ceredigion) (PC): Will you elaborate on whether you think the allocation of seats between the nations of the UK is appropriate, and on whether your party has any views on the status of Ynys Môn?

Tom Adams: That raises an important question, particularly when it comes to Wales, because Wales is due to lose such a significant number of seats; it is quite a drastic overhaul of the number of Wales's constituencies. While there clearly needs to be some decrease to equalise the electorate sizes in constituencies, it seems slightly odd that Wales has no protected constituencies at all, yet there will be two constituencies on the Isle of Wight, the electorates of which will be roughly the size of an average Welsh constituency. The introduction of protected constituencies in certain places in Wales is one possible way of achieving that, and Ynys Môn would be a good example.

This big drop of eight in one go is quite significant, and we should be mindful of the impact that it will have on representation in Wales. Having additional protected constituencies—Scotland obviously has several and the Isle of Wight has two guaranteed, whereas Wales does not have any—is perhaps something to look at.

Q75 Christian Matheson: This is the same question I asked Mr Pratt: how responsive and flexible has the Labour party previously found the commission, the assistant commissioners and the consultation process, in terms of the representations that the party has made? How flexible are they in responding to the party's representations?

Tom Adams: The first thing to say is that I am relatively new to this responsibility in the party. However, generally, they are quite flexible and accommodating. Particular MPs clearly have quite a large role in that, and their submissions are often taken quite seriously. The commissioners clearly do an excellent job of trying to balance all the competing priorities, but they are sometimes potentially constrained by things such as the 5% threshold. However, within the guidelines that they have, I think they do a good job of taking everything into account and coming up with proposals that are genuinely reasonable for everyone.

Q76 Alec Shelbrooke (Elmet and Rothwell) (Con): I am seeking clarification on your justification against the automaticity. You gave the example of its being at 5%, when it could be 7.5%. If the Bill went back for approval by Parliament, is it to be taken as read that, because it is set at 5%, your party would vote this down because you think it should be 7.5%? If that was to happen, the 2024 election would be fought on the current boundaries, which are 25 years out of date. Where does the balance come?

Tom Adams: Whether we would vote it down is probably a question for the politicians in my party, rather than for me; I work in a technical role at head office. Obviously,

it is likely that if the Government supported the proposals, they would still pass Parliament, even if Labour voted against them. I think there is a role for Parliament in finally approving those proposals when they come back, as has been the case for previous reviews.

Q77 Alec Shelbrooke: You rightly point out the size of the metropolitan boroughs in Birmingham and in my city of Leeds, which can easily have 18,000 or 19,000 people. A threshold of 5% or 7.5% will not stop you having to split wards in those big areas—they are enormous. Are we not talking arbitrarily about numbers, when we just need to get down to trying to get within the OSCE boundaries and working out the best way to split these enormous metropolitan wards?

Tom Adams: In the last review, not that many wards were split in the end. I think you are hearing evidence later from academics who have done some research on the difference between 5% and 7.5%, and the better outcomes that 7.5% produces. It is not quite an arbitrary number. Their research found that even the difference between 5% and 7.5% has quite an impact on the outcomes. While there are obviously likely to be occasions when you still need to split wards, clearly any increase in the threshold will improve your ability to maintain community ties and to not have to split wards or create constituencies that seem slightly odd.

Alec Shelbrooke: I just add that the last time, we were able to form much bigger constituency numbers.

Tom Adams: Yes, that change will have an impact.

Q78 Laura Farris (Newbury) (Con): I want to pick up on the point about wards and to explore your answer. Is there any particular reason why you do not think that wards should be split? An ordinary member of the public in a city often does not know what ward they live in. Prior to becoming involved in politics, I was not really aware of where I lived. What is the democratic principle?

Tom Adams: It certainly creates challenges from the perspective of political parties and others who are reliant on electoral geography boundaries. Given that wards are created by local Boundary Commissions to have some sense of community ties, and they are created for a reason, if you split them you are further cutting community ties, and potentially creating more challenges, in the sense that people are cut off from people who they would see as firmly part of their community by cutting across a ward. Obviously, you cannot always come up with a perfect arrangement.

Q79 Laura Farris: To pick up on that, thinking particularly of cities, would that not vary from city to city? There is no real reason why one ward would have a distinct identity compared with the ward next door necessarily.

Tom Adams: Local Boundary Commissions will certainly try to make that the case. They will come up with those wards for a reason, which is why I think they are sensible building blocks for the whole process. If you abandon that principle and say, "Does it really matter?", we might as well just ignore them entirely. I do not think that is practical for the purposes of political parties or electoral administrators, who certainly find it much easier to think of wards as sensible building blocks for constituencies, rather than having entirely separate arrangements that do not bear any relation to the existing wards. Using those wards and keeping them as far as possible is sensible.

Clearly the Government recognise that to an extent, because there is the very sensible provision in the Bill of allowing the provisional wards to be taken into account. That is a fantastic reform that will help to keep some of that, so wards will continue to be in line with parliamentary constituencies. We had the problem in the past, even where we were using whole wards, that if those wards were then amended or changed only a year later, the new wards would bear no relation to the constituencies. The new provision enables you to make sure that you have wards and constituencies that are coterminous as far as possible. That does improve people's experience of the democratic process.

Q80 Laura Farris: Are you aware of the extent of the dispute between, for example, the Labour and Conservative parties over the last boundary change exercise? Do you know what proportion of constituencies were broadly agreed or not agreed?

Tom Adams: In terms of which ones we particularly—

Laura Farris: In the 2018 exercise—sorry, I am not familiar with it myself—do you know what proportion there was broad agreement over and what proportion there was not?

Tom Adams: Not off the top of my head. I do not know exactly; I have not studied that in detail recently. As I said, that was carried out by someone else at Labour head office, so I do not know exactly on which constituencies we agreed and which we did not.

Q81 Laura Farris: I will ask a follow-up question and if you cannot answer, that is fine. Do you know how the Boundary Commission resolves a dispute of fact between the Labour party and the Conservative party? I mention those parties because I am talking about the seats in England, but do you know how it would approach that, if the two main political parties had a different view? What would the sequencing of its thinking be?

Tom Adams: Presumably, they are not the only two submissions that will have been put in. The Labour and Tory submissions are not the only ones that will be put in.

Q82 Laura Farris: But in the event that there was a dispute between them in a seat that the two parties contested—it is a process question—do you know how the Boundary Commission would approach that?

Tom Adams: I am not completely sure off the top of my head, but I am not entirely sure that that is within the scope of the Bill either, to be honest. That is a matter for the commissions really, rather than a matter of law.

The Chair: I don't think he could answer that, Laura. I think that is more for the Boundary Commissions.

Laura Farris: Okay, that is my last question then. Thank you.

Q83 Jane Hunt: Automaticity—a word I have much difficulty saying—proposes that decisions on boundary changes will be put into force directly. Would that prevent a recurrence of what happened with the Labour Government in 1969?

Tom Adams: Or equally what happened in the last few reviews. I think I have covered my views on that already, and what I think Parliament should do in terms of approving the proposals once they are put to Parliament. I do not have anything further to add.

Q84 Jane Hunt: Okay, so you do not think it would make any difference if the Boundary Commission made the recommendations and they went straight to the Speaker.

Tom Adams: Well, the fact that they would go straight to the Speaker is welcome, because that would mean that the Secretary of State could no longer make amendments to them, but I still think they should be subject to parliamentary approval, as I said earlier.

Q85 John Spellar: Do you find it interesting that a Government with a majority of 80 are so concerned about their inability to get through a boundary review? Might that indicate that the underlying reason for the previous review not going through was because it caused so much discontent in their own ranks—in other words, because it did not respect local community interests and local boundaries?

Tom Adams: That gets at one reason why Parliament should ultimately have to approve boundary reviews: if you cannot even get half the House to agree to them, clearly there is not sufficient MP backing for them—not enough MPs agree that it is a sensible process. Last time, the proposed reduction to 600 seats clearly had a big impact on that backing. Keeping the number at 650 will mitigate that somewhat. I agree that that is one reason why it is important that Parliament has that oversight. If it struggles to get half of MPs to vote in favour of the proposal, that implies that people do not broadly think it would be a good outcome.

Q86 John Spellar: In your work, do you find that there is an underlying problem, in that while many Conservatives can understand the issue of local identity for rural areas and small towns, they have a complete incapacity to understand the effect of identity on neighbourhoods and communities in conurbations, which they see as sprawling, shapeless continuous masses?

The Chair: John, I do not think you are entitled to have fun with the witness.

Tom Adams: I would not want to comment too much on that, but clearly there are still community ties in large urban wards, yes.

The Chair: As no one else is signalling to ask a question, I thank Tom for taking the trouble to give us his evidence. It is much appreciated. I thank Members for asking their questions.

The witness on our third panel this afternoon, Mr Dave McCobb, is not here yet. I will suspend the Committee until 3 o'clock.

2.51 pm

Sitting suspended.

Examination of witness

Dave McCobb gave evidence.

3 pm

The Chair: We will now hear from Dave McCobb, the deputy director of campaigns and elections for the Liberal Democrats, with whom we have until 3.30 pm. Dave, I believe that you are joining us from down the line—can you hear us loud and clear?

Dave McCobb: Yes, I can hear you very well, thank you.

The Chair: Excellent; we can hear you too, which is great. Dave, you are very welcome. Could you introduce yourself for the record? I will then call Chloe Smith to ask the first series of questions.

Dave McCobb: Thanks very much. My name is Dave McCobb. I am the deputy director of campaigns and elections—covering the whole of the UK—for the Liberal Democrats.

Q87 Chloe Smith: Thank you very much for joining us today, Dave; it is great to have you. Thanks to you and many others on the Parliamentary Parties Panel who have also taken part in technical engagement on the Bill behind the scenes. I am using these questions to work through the major headings and themes of the Bill and, if I may, I would like to talk about the number of constituencies. Do you support the shift to 650 constituencies in this legislation?

Dave McCobb: Yes, we support the retention of 650 constituencies in this iteration of the proposals. We certainly do not believe that there should be a reduction in the number of MPs unless there is a corresponding increased level of devolution across the UK that would enable us to reduce the number of Ministers. So while there is not further devolution across the UK, we support the retention of 650 constituencies.

Chloe Smith: Thank you very much. I am happy to leave that line of questioning there and allow other colleagues to come in.

Q88 Cat Smith: Thank you so much for joining us, Mr McCobb. Given that we do not have a Liberal Democrat member of the Committee, could you outline any concerns about the content of the Bill?

Dave McCobb: Thanks very much. Our primary concern is about the restrictiveness of the 5% threshold in terms of equalising the electorates in constituencies. There have been widespread reports of the degree of under-registration of electors in many parts of the country and of the number of people who are not correctly registered. Setting a very restrictive threshold at 5% reduces the commission's flexibility to recognise that significant under-registration is likely in some parts of the country.

It also means that constituencies could be constructed incredibly arbitrarily. In the previous round of the review—the proposals that were ultimately never implemented—many constituencies were constructed that really bore no reference to identifiable communities with which

people who lived there would identify. That impacted cities in England particularly, where, due to the size of local government wards, the number of wards that needed to be added together could not be done within local authority boundaries. So very arbitrary constituencies were constructed including chunks of some local authorities, and they really bore no reference to communities that people would identify with. That could be eliminated by having a higher threshold of 10%, for example. That would be the No. 1 concern about the proposals as they are currently outlined.

Q89 David Linden: Thank you very much for coming before the Committee, Mr McCobb. As I have asked other representatives, because you guys tend to be the kind of folk who run numbers through spreadsheets, have you run these numbers through the spreadsheet and found the seats per nation? The reason I ask is that Scotland, for example, currently has 59 seats in the UK Parliament. Have you run the numbers to see how many seats Scotland would have under these proposals?

Dave McCobb: I have not personally, no. That would be done by a colleague who is not currently in work. In terms of the overall distribution of seats between the four nations, that is something that I would not want to comment on until we actually see the registered totals that will be published for the electoral register that will be used for this.

I would like to bring it back to the 5% threshold. When I have been involved in cross-party talks on this, colleagues from the SNP have rightly raised concerns that the 5% threshold would require the creation of some geographically enormous constituencies in the highlands of Scotland and potentially in other parts of rural England and Wales.

Anyone who knows otherwise may correct me if I am wrong, but someone once told me that the constituency of Brecon and Radnorshire is larger than Luxembourg. It would require a constituency that is already that geographically large—the same applies to parts of the highlands of Scotland, too—to be 25-30% bigger to meet the 5% threshold. That is likely to make it very difficult to represent or campaign in a constituency on that scale.

Q90 David Linden: In the evidence we have heard so far, colleagues from the Labour party and the Conservative party have broadly agreed that we could be looking at losing two or three seats in Scotland. Do the Liberal Democrats have a view on whether Scotland should remain at 59 seats?

Dave McCobb: As I say, I reserve judgment on the balance of seats between the four nations until we have seen the exact numbers on the proposed electoral rolls.

David Linden: Okay, thank you.

Q91 Mrs Maria Miller (Basingstoke) (Con): Thank you so much for giving evidence. I want to probe further on the issue of automaticity in the Bill. We are currently working on boundaries that are decades out of date. Much of the reason for that and for problems in the past has been the way in which political parties in Parliament have blocked changes to boundaries. As a party, do you support automaticity, because of the ability to have automatic changes?

Dave McCobb: We support the principle that the proposals that come from the Boundary Commission should be subject to minimal potential political interference, or a majority party could use its majority to impose boundaries on other people. The critical issue is how far the whole process is as divorced from partisan political control as possible.

Q92 Mrs Miller: Surely the final recommendations not coming before Parliament would fulfil your criteria of not having political involvement at that crucial stage, which in the past has proved to be such a barrier.

Dave McCobb: I think that depends on the criteria that are set for the Boundary Commission's review. Provided that the criteria are set for the Boundary Commission's work in as non-partisan a way as possible, then not having a political vote at the end of it might be acceptable. Again, it comes back to the provisions that the Boundary Commission is required to work to also being free of party political influence to the largest degree possible.

Q93 Mrs Miller: Can you give an example of what might constitute influence on the Commission?

Dave McCobb: I would like to come back to the 5% variation threshold. The Organisation for Security and Co-operation in Europe specifically recommends a variation of up to 10% when doing [*Inaudible*] necessary. Having that greater degree of flexibility around the way the Commission is able to be flexible, to recognise natural communities where they exist, would enable it to be more free of political direction than as the Bill is currently set out.

The Chair: And the issue of what constitutes pressure on a commissioner.

Dave McCobb: I am afraid I could not hear that.

The Chair: I think the question was, what do you think constituted pressure on a commissioner? You were going to come back to that point.

Dave McCobb: Sorry, I think I have said what I wanted to on that point.

Q94 Mrs Miller: Following up on one of the previous lines of questioning on the premise of the Bill, which is about equal-sized constituencies and the fairness of that, I was reflecting on what Nick Clegg, when he was leader of the Liberal Democrats, said about that—very much supporting that as a principle. I was reflecting on the comments that you made earlier about the need to balance the issues of community over those of fairness. If it were possible to break down the units of work to, say, a polling-district level, to get that sensitivity on communities and on fairness, which the Liberal party has put prominently in the past, do you think that you could get a better balance, if you were dealing with polling districts, rather than wards, and you could therefore live with a far tighter tolerance of the variances between different constituencies?

Dave McCobb: You make an important point, which is specific to the way in which the commission in England worked on the last review, in that it was very clear that, apart from one or two examples in its final proposals, it was adamantly against ward splitting.

The combination of the English commission's reluctance to split council wards and the tight 5% threshold contributed to some quite perverse constituencies being proposed in some cases, in particular in some urban areas. In parts of the country, a council ward is 2,000 or 3,000 electors, so a number of them can be added or subtracted around the threshold, but in Leeds, for example, there are 17,000 electors in a council ward and, if you are not willing to split one, in one case a lot of people had to have a random ward that really had no community links with Leeds tacked to the top of a Leeds constituency.

If the commission is given clearer direction on preferring ward splitting if that helps them to retain constituencies that relate to natural communities, that is obviously helpful. We support the principle that each MP should represent a roughly equal number of residents, but we highlight the fact that the Electoral Commission last September estimated that up 9 million potential electors are not on the register and that, while there is evidence that some particular groups might be heavily disadvantaged by under-registration, giving the commission a bit more flexibility to enable it to recognise the parts of the country where there might be major issues with electoral under-registration is the right thing to do.

Mrs Miller: It is interesting: in Wales and Scotland, there is an ability to split wards, even to go down to postcode level. It can be done, so I suppose the question is why it is not done more in England.

Dave McCobb: It is that combination of the two factors: the English commission's reluctance to split wards, which contributed; and the 5% threshold, which, if that were 10%, would allow it the flexibility better to match natural communities and to recognise that there will be parts of the country with much greater problems of under-registration of people resident there than others.

Q95 Ben Lake: I would like to go back a few topics to the allocation of seats across the nations of the United Kingdom. I appreciate, Mr McCobb, that you do not want to pass comment on any numbers, but I was wondering whether the Liberal Democrats have a view of how that allocation should be decided.

Dave McCobb: That is not something that I am in a position to comment on at this time, but I am happy to take that question back to colleagues and to give you a written follow-up, if that would be helpful.

Ben Lake: I was interested to hear your comment about the overall number of MPs at Westminster, that there should not be a reduction without further devolution. I completely agree with you. Do you have a view that you can offer us—or come back to us—on whether the differential devolution statuses across both regions and nations of the UK need to be considered when it comes to the allocation of seats?

Dave McCobb: Again, if it is all right, I will happily get back to you about that, having consulted colleagues.

The Chair: If there are no other questions, I thank you, Dave, for taking the trouble and time to come to us today and to present your evidence before us. We look forward to receiving that written evidence over the next two weeks, if that is possible.

Dave McCobb: Thank you very much and yes, no problem.

The Chair: We will break until 3.30 pm, when our next witness joins us.

3.16 pm

Sitting suspended.

Examination of Witness

Scott Martin gave evidence.

3.30 pm

The Chair: We will now hear from Scott Martin, the solicitor for the Scottish National party. We have until 4 pm for this evidence. Scott, will you please introduce yourself, for the record?

Scott Martin: I am Scott Martin, and I am the solicitor to the Scottish National party.

The Chair: Thank you, Scott. It is nice of you to join us. We will start with the Minister, Chloe Smith.

Q96 Chloe Smith: Thank you for joining us, Scott. It is a great pleasure to have you with us. Thank you for some of the prior work that your party did as part of technical engagement. Given that in Scotland there are two of the protected characteristics—I mean protected constituencies; I make that mistake all the time, as I have the Equality Act in my head—and given, too, the rule on geographical area, can you tell us a little more about what that looks like in practice? Also, what considerations have to go into the review under those headings?

Scott Martin: I think that the considerations in Scotland are the same rules that are applied elsewhere in the UK, as far as local ties. Obviously it will be perhaps a slightly easier exercise this time round, in so far as there may be fewer constituencies that need to be changed, but certainly a reduction of either two or three will mean some changes that are significant—rather less than the last time round; but clearly the Highland North constituency, or whatever it may be called after the next review, is one that any parliamentarian would clearly find it difficult to represent, given its vast area.

Q97 Chloe Smith: Would you be able to give us a little more colour around perhaps the reasons why constituencies might be protected?

Scott Martin: Clearly the two protected constituencies are there for fairly obvious geographical reasons. Highland North, or whatever you want to call it, is not as it were a protected constituency. It is just a constituency that comes up to the 12,000 sq km and 13,000 sq km rule.

Q98 Chloe Smith: Finally, aside from those reasons, would you take a view on whether there should be equal treatment across the nations of the United Kingdom?

Scott Martin: I think there is a logic that says if one is reverting from a model of 600 to a model of 650, the existing distribution of constituencies between the nations of the United Kingdom should be retained. Of course, the position of the Scottish National party is that there should be zero Westminster constituencies in Scotland.

Chloe Smith: Thank you, Scott. I am looking forward to talking much more about that with David Linden, as the Committee goes on.

The Chair: Talk about getting your retaliation in last, there, Scott.

Scott Martin: I am sure Mr Linden will be invited to the celebration of his unemployment.

Q99 Cat Smith: Thank you so much, Scott, for giving evidence to the Committee. We have heard from other witnesses that their expectation is that Scotland will lose seats, and that England looks set to gain some. Can you outline the SNP's view of the impact of the Bill in terms of the integrity and strength of the Union of the United Kingdom?

Scott Martin: I suppose our view on the integrity of the Union may be different from that of other political parties that are represented there. I suspect that it may be two rather than three seats that will be lost, with the current formulas. It rather depends, I think. The numbers we have so far do not include attainers. By my calculation, the percentage of attainers in Scotland is roughly 0.957%, whereas in England it is 0.644%. When the attainers are added in, it may be that Scotland will only lose two seats, rather than three. However, as people have identified, we will not know that until all the final figures are collated after March. I suspect the reason why there are more attainers in Scotland will be questions of life expectancy. Also, because we have voting at 16 in Scotland, it is likely that we manage to get more people on as attainers than other parts of the UK.

Q100 Cat Smith: On a slightly different issue, are there circumstances where the electoral quota could be relaxed to avoid ward splitting? The Committee has been exploring that throughout the day. For example, could you imagine it making more sense for a constituency to have a 5.5% variance than to split wards? Would that be preferable?

Scott Martin: I certainly think that work could be done on changing the variance, which is effectively half the gains I talked about as a permissible departure in relation to the Venice Commission "Code of Good Practice in Electoral Matters". The question of wards is rather different in Scotland than in England. Parliamentary constituencies in Scotland are based on wards, with no ward splitting. Of course, before the 2007 Scottish Parliament and local government elections in Scotland, we moved to three or four-member wards. The consequence is that you cannot get sensible constituencies without splitting wards, particularly with the hard limit put in place as a result of the Fixed-term Parliaments Act 2011. It is a rather different situation in Scotland, for practical reasons, as a consequence of the size of wards we have.

Q101 David Linden: I think I put on record on Second Reading that my preference was for either a minimum of 59 seats in Scotland, or zero with independence. Certainly the latter would be my preference, but I appreciate that we are not quite at that moment, though I am sure it is coming soon.

I want to ask about parliamentary approval. You will note that in the Bill, Parliament's approval role is being removed. Can you share your view on that?

Scott Martin: That is, in a sense, a highly political question. Do you want politicised districting—everyone has difficulty with that word—or independent districting? Do you want the model they have in the United States, where the word "gerrymander" comes from? The logic is that if you have an independent commission model, which we have had here since the commissions were put on a permanent footing, the ability for political interference is minimised. Automaticity, as it has been described, is a sensible approach to take on that—although clearly, as we have seen from a variety of reviews, including the last two, ultimately, if Parliament wants to stop a review, or wants to proceed or another basis, that can happen, but unless we move to having a written constitution, which I would obviously support, that is not something that we can legislate for.

Q102 David Linden: Debate has sprung up today on the idea of building constituencies not on wards, but on polling districts. That issue is of interest to other members of the Committee too. Could you elaborate on that?

Scott Martin: Yes. In Scotland, there is the Improvement Service, and if you go to www.spatialhub.scot, you will find a polling district map of Scotland. Not all of it is up to date—some of it was updated just before the general election, and some of it is a little bit older—but there is now a complete polling district map of Scotland. Where that data is available, polling districts are a sensible way of drawing boundaries.

The reason why the Boundary Commission for Scotland has had to take a postcode approach is because it cannot use wards, and it did not have the polling districts. I appreciate that there is a bit of a chicken-and-egg situation here, in that polling districts are supposed to be divisions of parliamentary constituencies, rather than being used the other way round, but thinking back to the first Scottish Parliament boundary review, I recall that the Boundary Commission, after its first review, was prepared to take representations from Edinburgh on realigning everything with existing polling districts. Electoral administrators and campaigners in Scotland have practical issues as a result of there being non-coterminous boundaries—it means they have some very strange polling districts—but those issues would certainly be removed if everything was built from one set of polling districts.

Q103 David Linden: If I could presume on Mr Paisley's indulgence ever so slightly, I have a final question. You touched on the much-discussed proposal for a Highland North constituency, which raised a few eyebrows after the last review. You touched on the fact that it would be almost impossible for a Member to conduct parliamentary business in that constituency without a helicopter. Do you have any ideas or proposals for ensuring slightly more manageable and sensible constituencies that do not take up a space that, in certain parts of England, would be represented by 73 Members?

Scott Martin: There is obviously the 12,000 and 13,000 number there, and certainly some thought could be given to reducing it. My understanding was that that number was effectively taken from the size of Ross, Skye and Lochaber. Clearly we could look at reducing that.

David Linden: Thank you, Mr Martin.

The Chair: I do not see anyone else indicating that they wish to ask a question. Scott, you got off scot-free today. Thank you for your evidence and your time.

Scott Martin: Thank you.

Examination of Witness

Geraint Day gave evidence.

3.44 pm

The Chair: We will now hear from Geraint Day. We come to this panel early—we are moving swiftly—so we can give it as much time as required. Geraint, could you please introduce yourself for the record?

Geraint Day: Sure. Hello! My name is Geraint Day. I am the deputy chief executive of Plaid Cyrmu, and head of its campaigns unit.

The Chair: You are very welcome here. Minister, could we start with you?

Q104 Chloe Smith: Thank you, Geraint, for joining us today—it is great to have you here. Thank you for your participation and that of your party.

Can we talk a little about how political parties, large and small—I hope you do not mind my acknowledging that Plaid Cymru is one of the smaller ones in terms of parliamentary representation—respond to the boundary commissions? Will you talk a little about how easy parties find it to interact with the boundary commissions, and how we can encourage members of the public to interact with the boundary commissions through the consultation stages?

Geraint Day: The boundary commissions should be praised for the way they approach their interaction with political parties and the public. On the whole, they are very open—they are available online and by phone, as well as through the more formal public hearings. I would reiterate something that one of the previous contributors said: the commissions are very open to alternative suggestions—I certainly agree with that.

Political parties start from the size of the electorate—the snapshot of the electorate. In Wales, which is the only area I feel competent to talk about, we have to start by looking at Ynys Môn. There is only one way you can go from Ynys Môn apart from the Irish sea, and that is across into Gwynedd. All boundary changes therefore start there and expand out. That has a knock-on effect—somebody referred to a domino effect earlier, and that is very true. If we decide to go one way on a proposal, it has a knock-on effect in a subsequent constituency. In the case of Wales, which is bordered on three sides by sea, with the English border on the other side, that leads to certain pressures, especially in mid-Wales, where the population is more sparse, vis-à-vis the more populous north and southern Wales.

Q105 Chloe Smith: Thank you very much. Just to be absolutely clear, the reason you start at the corner of Ynys Môn, as it were, rather than in south Wales, is that it is an island—or is it that south Wales is more populous? Can you be explicit on that point for the record?

Geraint Day: Ynys Môn has been mentioned a number of times already today—I have been following the Committee online. It is a unique constituency. In Plaid Cymru's view, it should be a protected constituency. It first got its franchise during the Acts of Union in 1536, and its representation has continued ever since, except during the Barebones Parliament in the English civil war. We certainly support and call for the protection of that constituency.

In previous reviews where that has not been the case and you start in the south, if you are limited by the percentage variance, you end up getting to Ynys Môn and suddenly realising that you cannot fit the remainder of the constituency within the variance that is left over, as you cross the Menai. Then you have to start again. Realistically, the only place to start when doing a boundary review in Wales is Ynys Môn. You then work your way east and south from there. You cannot go anywhere else; there is no alternative constituency. Only one constituency borders it, and that is Arfon.

Chloe Smith: Thank you very much.

Q106 Cat Smith: Other witnesses today have indicated that Wales looks set to lose more seats than any other nation of the United Kingdom. The figure of eight seats has been suggested. Some of that is inevitable, due to population changes over the past two decades, but it does look like Wales will have quite a big overhaul in its Westminster parliamentary representation. Do you have an opinion on the introduction of some kind of protected status for Wales?

Geraint Day: We do not believe that Wales should lose any MPs. The previous review, which would have reduced the number to 600, has in effect been scrapped, and the number has gone back to 650, yet Wales is losing Members of Parliament and England is gaining Members of Parliament. That seems like a strange place to be. It will appear very strange to the Welsh electorate when they look at this and say, "Where is the UK headed? Is it becoming more and more England-dominant?" We believe that would be incorrect, and that Wales should keep the same level of representation.

Q107 Cat Smith: To clarify, would you agree with a protected number of constituencies for Wales?

Geraint Day: Yes, if we were to agree on the current level of representation.

Q108 Cat Smith: Finally, regarding the geography of Wales—I am particularly thinking of the Welsh valleys—some constituencies end up far below the threshold, but with mountain ranges between areas that might be put together. Do you have any comments to make about Wales's geography, and whether anything could be done to mitigate disruptions and keep communities together? For example, would a slight deviation beyond the 5% threshold be helpful for maintaining community links in Wales?

Geraint Day: Absolutely. The figure of 7.5% that has been suggested would help. I think it would still leave challenges, but it would certainly reduce the negative impact of the suggestion.

This is not just about the south Wales valleys, although it is interesting that in the last review, the first proposal from the Boundary Commission about the Rhondda constituency was to include part of Cynon Valley in it. To get there, you have to cross over the Rhigos mountain, which features heavily on winter travel reports on Radio Wales when the mountain road is closed because of bad weather. That is a common occurrence in Wales, due to

its geography, and not just south Wales; it happens even more in the north, where you have the mountain ranges of Snowdonia and the Clwydian hills. They are big barriers to building constituencies, and taking a ward on the other side of a mountain away from its natural community has a big impact and is very unpopular with the local electorate.

A larger variance—7.5%, or something akin to it—would allow greater flexibility for the Boundary Commission. It must be said that the commission generally does a good job and is very open to other suggestions, but has its hands tied by the 5% rule. Giving it extra freedom to determine the best fit is a very sensible suggestion.

Q109 Ben Lake: Diolch, Geraint, for joining us this afternoon. This morning, we heard from a witness from the Boundary Commission for Wales, who spoke a bit about the way in which local ties affect how the commission considers boundaries and boundary changes. When it comes to local ties, do you have any particular concerns about the commission's considerations—its rules—not encompassing all the characteristics we might want to see reflected and respected in Wales?

Geraint Day: The biggest difference in local ties between Wales and England is the Welsh language. A large percentage of Welsh language speakers are down the west coast, but they are also in some of the upland areas in north and south Wales. Local ties do not necessarily go down the same route as that. The Boundary Commission is looking at geographical ties—shopping centres, travel-to-work areas and those types of things—whereas at times the Welsh language communities do not fit into that local-tie element.

In the past, the Boundary Commission has made attempts to address this; where it has originally proposed splitting Welsh language communities, it has made efforts to put them back together. However, I suggest that it would be better to specifically state that in the Bill, rather than just lump it in with "local ties". If you look at the Welsh Government's planning process and the advice it gives to local government about local development plans, those plans are required to have a language impact assessment, a requirement that originates from the Welsh Language (Wales) Measure 2011. The way the Boundary Commission operates is perfectly bilingual and it deserves great praise for the way it operates. However, it is not required under the current local ties rule to specifically consider the impact on the Welsh language. I think that should be included as a specific item in the Bill.

Q110 Mrs Miller: Thank you very much for giving evidence to us today and, very importantly, for bringing the Welsh perspective into consideration. One of the provisions in the Bill is automaticity, which means that after about two and a half years of review, the recommendations automatically get brought into being, removing the possibility of political influence from the Government or indeed from Parliament, which has been a problem for us in the past. Do you have a view on that and will you support that measure?

Geraint Day: In one regard, it is a very simple statement to make. However, the removal of parliamentary authority and moving that decision away from Parliament to straight implementation is a big step to make. If that rule had been in place in the last two reviews, we would now have a Parliament of 600 MPs and we would not be having this conversation.

Parliament provides a track to final proposals. If we cannot get a majority in the House of Commons, that raises questions about whether it should be implemented. I understand the trouble that the previous two reviews caused, and as one of the people who contributed and spent a lot of time putting submissions to that, it is quite frustrating. There should be some way of keeping some form of parliamentary overview of the proposals without necessarily enabling it to become a party political football in the House of Commons.

Q111 Mrs Miller: Has that check not become a full stop, which has left us in the position we are in now, with boundaries that are decades out of date and huge variance? Does it not worry you that a vote in a constituency in one part of the country has more or less value than a vote in another part of the country? Does that not cause you concern?

Geraint Day: In terms of how the Boundary Commission operates, it has been doing its job; the issue has been with Members of Parliament in the House of Commons. The way in which that is solved is something that I think Parliament needs to come to an answer about, rather than the non-elected people in society, including myself. It is really a matter for Members of Parliament, but I understand where you are coming from and I have a certain amount of sympathy. I refer back to my previous point—if this rule had been in place in the past, we would already have a Parliament of 600 MPs and not 650. I think that 650 is by far a better fit and that seems to be the general opinion of the majority of the population, so I think the check has worked, to a certain degree, despite how frustrating it has been.

Q112 Mrs Miller: I have one final question. I was brought up in Wales. I understand when you talk about the unique nature of the geography of Wales. There is nowhere more unique than Ynys Môn, where you have a very clear boundary. I am a Hampshire MP, so I have huge sympathy for the need to protect and to support those island communities. Is there anything you would like to add to your comments, in terms of the particular importance of protecting that island community?

Geraint Day: Island communities are unique and you see that not just throughout the UK, but throughout the world, not least in the fact that they even have the Island games, where various islands of the world get together and put on a semi-Olympic games just for the islands. You see it in the identity. That is something that is quite precious and unique and that we as a society need to foster and take care of.

In terms of their numbers, if the Isle of Wight has two MPs, each one will have an electorate the current size of Ynys Môn's. If it is good enough for the people of the Isle of Wight, why is it not good enough for the people of Ynys Môn?

Mrs Miller: Speaking as a Hampshire MP, I am sure that the people who live on the Isle of Wight would understand exactly what you are talking about. Thank you.

Q113 Alec Shelbrooke: Just as a quick point of principle, do you believe that voters in Scotland should have a greater representation than voters in Yorkshire, which has a similar population?

Geraint Day: This is coming down to the constituencies of the United Kingdom vis-à-vis the nations of the United Kingdom. This is one of the consequences of our current constitutional set-up, without a parliament for England, which Plaid Cymru is quite supportive of. The other option if you have equal levels of constituencies in the UK is a reduction in the representation of the Celtic countries of the United Kingdom. Certainly, we do not support the reduction in the number of MPs.

Q114 Shaun Bailey (West Bromwich West) (Con): Speaking as someone who cut his political teeth in Wales, actually in Ceredigion, the idea of language and culture is quite an important one. I am keen to understand and probe more into the language element. If we take Ceredigion as an example, when you have been faced with scenarios in previous consultations where there has been a crossover and, as in the example given before, there is a predominantly Welsh language community with one that is less so, how would Plaid Cymru engage with that process? What would be the thought process that you would go through in that scenario?

Geraint Day: Under the rules the Boundary Commission operates with, I can give an exact example from the last review. The Boundary Commission originally proposed putting Llandrindod in with Ceredigion. Llandrindod is in Powys on the other side of the Cambrian mountains from Ceredigion. That was a very strange decision. The argument on local links was that the main trunk road to Ceredigion goes right by Llandrindod. The subsequent argument that we put together, which I think was supported by every other contributor to the response, was that that should not be the case because the linguistic links and levels of Welsh speaking in Llandrindod are much different to those in Ceredigion. Instead, we proposed to look north into Machynlleth and the Dyffryn Dyfi area and take that into the proposed constituency of Ceredigion, which was subsequently adopted by the Boundary Commission.

That worked because there was unanimity of view among those giving comments to the Boundary Commission. Where you would find difficulty is where the different parties and individuals who give evidence differ in their approach. If one or two of the parties had said, "No, we want Llandrindod to go in," we could have ended up with a very different end result from the Boundary Commission. If it had been required to consider the impact on the Welsh language right from the start, it would not even have made the initial proposal. That is the main reasoning behind it and that is where we come from.

Q115 Shaun Bailey: That is really helpful. In terms of the engagement of Welsh language communities in the process, historically, particularly in mid-Wales, we have seen quite high local election turnouts in Welsh language communities. I am conscious of the work Plaid has done in ensuring that those people who are in the Welsh language community are able to engage with the process, notwithstanding the provisions in the Welsh Language Act, to ensure that it is as representative as it can be for some quite unique communities.

Geraint Day: Absolutely. I pay credit to the Boundary Commission in the first instance; every time I have given evidence without simultaneous translation, it has been able to provide written evidence in Welsh or English. It works entirely bilingually, and it deserves credit for that.

Where it engages with the Welsh-speaking communities is around where it holds public hearings, which can be slightly awkward because of the number that it is restricted to. Having the ability to arrange more public hearings, without a cap, is one way around that. For example, in some of the constituencies along the north Wales coast, there are large population centres on the coast, but the Welsh-speaking communities tend to be in the island areas and the mountains. The public hearings, naturally enough, are held where the large population centres are. Getting rid of that cap and allowing people to interact with communities in more dispersed rural areas should be encouraged, whether it is done through public hearings or through more promotion of online submissions, which might be a way forward.

The Chair: There are no further questions from Members, so thank you very much, Geraint, for your evidence and for your time. We will move on to the next witness, whom I see waiting in the wings.

Examination of Witness

Professor Richard Wyn Jones gave evidence.

4.6 pm

The Chair: We will now hear from Professor Richard Wyn Jones of the Wales Governance Centre. Professor Wyn Jones, you are very welcome. We will go round the table, starting with the Minister.

Chloe Smith: Thank you very much indeed, Richard, for joining us this afternoon. It is really valuable to have your insights.

Professor Wyn Jones: It's a pleasure.

Q116 Chloe Smith: I have been trying in my questions to touch on all the Bill's major issues; I wonder if I might return to the need to get the job done and the need for updated constituencies. I know that you have a great academic interest in devolved politics and, naturally, in topics that connect to that for Wales. Would you care to dwell on the length of time since we have had updated boundaries—broadly, around 20 years across the different Boundary Commissions—and on how much political change there has been in that time in Wales?

Professor Wyn Jones: I have to say that I have had cause to make myself unpopular with Welsh MPs when appearing in front of various Committees over the past few years, because I have argued consistently that there is no real justification for the level of Welsh over-representation in particular.

I think that there is a real issue with the boundaries being so out of date. For those who are interested in such things, there is a historical precedent going back to the first world war, when boundaries were very much out of date. That finally changed, which unleashed a period of Labour domination of Welsh politics that continued, but that was basically what people in Wales

wanted and still want, to a very large extent. That is fine, but I do think that there is a real problem with rumbling on with boundaries that are clearly outdated.

There is also a real problem because there is no in-principle argument in favour of Welsh over-representation. It was never anybody's intention, as far as I can make out; it is an unintended consequence of the rules that were put in place for the other Boundary Commission. We have ended up with a situation that was never justified beforehand, as far as I can see, and for which it is very hard to retrofit a justification now. Even though I love having lots of Welsh MPs, because it makes my life more interesting, it is hard—in fact, in my view it is impossible—to justify the current position, the current stasis and the apparent inability to move forward.

Q117 Chloe Smith: Thank you very much for putting that on the record. Can you give us your view of the provisions in the Bill?

Professor Wyn Jones: These kinds of things are always a difficult balance. My general view is that equality of constituency sizes makes sense. I cannot see any particular reason for ensuring that the different constituent territories of the UK are over-represented here. There are different arrangements in place for Wales, Scotland and Northern Ireland. Frankly, the fact that Wales has 6% rather than 5% of MPs—I think that is right—does not make a blind bit of difference.

In terms of general principle, I think equality, with a relatively small margin of difference, is fine. I also support in principle the decision that the changes should be enacted without a further vote. It is probably better that MPs set the terms of the exercise for the Boundary Commission behind a veil of ignorance, if you like, without knowing exactly what the particular outcomes would be for them as individual MPs. It is probably preferable—I think definitely preferable—that they vote behind the veil of ignorance and set the parameters of the exercise, and then allow the exercise to play out in the way we are now used to.

Q118 Chloe Smith: Just dwelling on that last point, are you saying that essentially the process should be free of political inference and it would be wrong for MPs to mark their own homework?

Professor Wyn Jones: You choose a particular way of phrasing it that I might not choose. It is human nature that MPs will look at any list of redrawn constituency boundaries and think, "Hang on, where do I fit in in this particular structure?" That may well colour how they then vote or agitate before the thing gets voted on, which I know happened quite a lot with the last review.

We need democratic involvement that is appropriate, in terms of setting the terms of the exercise, such as deciding how many seats there should be in the House of Commons, if you want rough and ready equality or if you want to be very precise in terms of equal constituency sizes. Those are all appropriate decisions for Members of Parliament to be involved in, and I think they should be involved in those.

However, there are in-principle advantages of allowing the Boundary Commission to get on with it, with all the safeguards that remain in place around process. The appointment of commissioners is then incredibly important, but, assuming all those things are done properly, it is better that MPs are not given the final opportunity to undermine the whole thing if they do not like the results.

Q119 Chloe Smith: Thank you for that insight. Turning to the independence of the commissions, they are judge-led and there is an extremely high standard required for those appointments. I am sure everyone here would agree that they would want that to be upheld.

Professor Wyn Jones: I was not implying that that was not the case. I am saying that those safeguards become even more important in a context in which that final vote is removed. That was my sole point. You are absolutely right that the commissions have a very high reputation, deservedly so at present.

Q120 Chloe Smith: Yes, indeed. I suspect between our words we have made the point I was going to invite you to make, so thank you for that. For completeness, were you also in favour of there being 650 seats and there being the tolerance level that we have in the Bill?

Professor Wyn Jones: I have no particularly strong view as to 600 versus 625 versus 650, so I do not have a particularly strong view about that, but a reasonably narrow tolerance is absolutely fine. If you are going to will the ends of relatively equal constituency sizes, you have to will the means. If I am going to be consistent in saying that that seems to be the appropriate, fair thing to do in a modern democracy, so be it. We have to will the means to allow that to happen.

Chloe Smith: I salute the crystal clarity of your thinking and the way you have put it to us. Thank you.

Cat Smith: My question is about devolution, which looks very different in different parts of the United Kingdom. It looks a certain way in Wales and, even within England, there are huge variations. To what extent do you think that the Senedd boundaries should be taken into consideration, as opposed to ward boundaries? What do you think makes the best building blocks for Welsh constituencies that truly represent the communities and keep the communities together, while obviously striving to have constituencies as equal as practically possible?

Professor Wyn Jones: Thank you for the question. One of the things we tend to focus on, especially in these kinds of conversations, is the relative number of MPs from each of the constituent nations, but I think it is important to point out that within Wales, the boundaries are now so out of date that we have very large differences in constituency sizes in Wales.

If you take Arfon at one end of the spectrum and Cardiff South and Penarth at the other, there are very large differences in terms of size. To the extent that the boundaries of the Senedd, or parts of the Senedd electoral system, remain tied to those of Westminster, having relatively equal constituency sizes for Westminster will probably make the Senedd electoral system a little bit fairer, too. We miss the fact that the differences within Wales are now very substantial indeed.

If you will permit me to widen the optic a bit, you are right to say that we have distinct dispensations for Scotland, Wales and Northern Ireland. They now look

more alike than they did in 1999, but they are still different. England has an incredibly complex—I would say pathologically complex—internal devolution system. My view is that that should be separated out from the issue of representation in Westminster.

There is room, I think, for variation within the state, but in terms of representation in the House of Commons, it seems to make sense to have a kind of equality, not least because I have never heard a good justification for the level of variation that we have. As I said earlier, why should Wales have 6% of MPs when we have 5% of the population? Why not 8% or 10%? There is no obvious logic to the current system. Equality makes more sense.

Q121 Cat Smith: Finally, this question might stray beyond what you have considered, but what challenges do you foresee for the Welsh boundary commissioners in delivering a boundary review?

Professor Wyn Jones: I think we all recognise that commissioners always have a terribly difficult job to do, because there will be particular communities that feel a sense of association with some communities and less so with others.

Assuming this legislation reaches the statute book, the challenge for the Welsh commissioners is particularly daunting, because Wales would see the biggest level of change. That will be an enormous challenge, and there will be communities in Wales that feel that the changes being imposed are unwelcome; there is no doubt about that. I am an Anglesey boy, an Ynys Môn boy—I can well foresee that people at home will be extremely unhappy. I am sure that there will be different valleys and different communities thinking, "Well, we don't really have much in common with the people over the other side of the ridge", and so on and so forth.

So the challenge will be substantial. I think that my predecessor on this call, Geraint Day, pointed to a recent example around Ceredigion, where people felt that the commissioners had got it wrong, and fair play to the commissioners—they went back and changed things in a way that was regarded as being more acceptable. And I have no doubt that there will be lots of that.

Q122 David Linden: Thank you, Professor, for appearing before the Committee. Before the election, which obviously conjured up a very good result for the Conservative party, the Government were absolutely resolute in their view that they wanted to have 600 seats, and then they made quite a sudden change after the election to go for 650 seats. Why do you think that was?

Professor Wyn Jones: I do not really have that level of insight into the minds of the people involved. All I would say is that I spoke to Conservative MPs in Wales about this—I spoke to many of them because, as you probably have guessed, my views about this issue are not always particularly popular among Welsh MPs, and several of them were very keen to put me right. But it was very clear from a very early point that the reduction from 650 was not politically viable and that the Conservatives would have real issues, in terms of whipping their own MPs to support it.

It was certainly made clear to me very early on that, in all likelihood, the last attempt at reform would fail and that we would be coming back to this issue, and that we would be coming back to it with 650 MPs as the aim. And the people who I spoke to at that time were correct.

Q123 David Linden: Do you think it is particularly courageous on the part of the Government and the Conservative party, having gone from having six Conservative Welsh MPs in the 2017-19 Parliament to now having 14, to propose to remove eight seats from Wales?

Professor Wyn Jones: I would not describe it as "particularly courageous". The issue is that we have boundaries that are terribly out of date; I do not think that there is any argument about that. And we have a real issue, in terms of some constituencies being, by orders of magnitude, larger than others. Wales is a particularly egregious example of that, because we are over-represented to an extent that no other constituent nation is.

So the issue is that if you are going to try and redo the boundaries, on what basis do you do that? As I have said, and I apologise for repeating myself, I have never heard a good in-principle argument for Wales having, for example, 6% of MPs when it has 5% of the electorate. I have never heard an argument that makes any sense of that.

Equality seems to be a reasonable principle, and that means that the biggest impact of any change is felt in Wales. What precisely it means for continuing Conservative representation in Wales in four-and-a-half years' time, if that is when the next election is held—you are a better man than I am if you can guess that, not least because we do not know what the new boundaries will look like—I do not know. However, that will have an impact on all the political parties; which one it impacts worst, I genuinely do not know.

Q124 David Linden: Thank you. I have one final question. You are fairly clearly on record as saying that you think that the level of representation that exists at the moment in respect of Welsh MPs is too high. Would you accept, however, that, regardless of that point, constitutionally, the relationship at the moment between Cardiff, Edinburgh, London and to a certain extent Belfast, is in quite a fractured state? What do you think these proposals would do in terms of the integrity and harmony of the Union?

Professor Wyn Jones: I agree that there are very serious tensions across the states, but I genuinely doubt that the relative numbers of MPs from the different constituent units will make much of a difference there. I would concentrate on trying to improve intergovernmental relations between Edinburgh, Cardiff, London and Belfast. That is much more likely to make a difference than having 31 Welsh MPs as opposed to 40. I am afraid that there are fundamental issues around constitutional design and the attitude of the UK Government to the devolved Governments. That is where the action needs to be. Whether we have 31 Welsh MPs or 32 as opposed to the current 40 will not make any difference in terms of dealing with the big issues.

Q125 Ben Lake: Diolch i chi, Athro Wyn Jones, am ymuno gyda ni y prynhawn yma. *[Translation: Thank you, Professor Wyn Jones, for joining us this afternoon.]*

This is a very interesting debate about representation and what we actually mean by it. You asked, Professor, what sort of logic could be applied and I suppose, if I were a Conservative and Unionist MP, I would have a particular logic of maintaining the voice of the constituent parts of the United Kingdom.

[Ben Lake]

If you will indulge me for a moment, on that line of logic, Wales's population is set to peak in 2023 and in the next 20 years, England's population alone is estimated to increase by about 8 million. If we are to continue with the logic about seats, in 20 years' time, Wales might have even fewer seats and the relative voice at Westminster would be significantly diminished. In the light of the fact that we are no longer members of the European Union, and so more decisions are now taken at Westminster that have a direct effect on Wales, do you think that we might be embarking here on a set of developments that could—down the line, if not immediately—cause quite considerable tension for the Union?

Professor Wyn Jones: Diolch yn fawr iawn am y cwestiwn. Diddorol iawn. *[Translation: Thank you very much for the question. Very interesting.]*

You make an interesting point. The difficulty with thinking through the logic is what is the pay-off, in terms of an alternative arrangement? In many multinational internally differentiated states, the second Chamber is often used as a way of trying to balance territorial representation and, as I know you are very well aware, there are proposals for changing the House of Lords and making it more territorially representative in terms of its membership and in enhancing that role of its activities too. That would potentially be one way forward. There, you could follow an American Senate-style logic of giving each of the constituent territories equal representation—an idea that was promoted by Carwyn Jones, the former First Minister in Wales. That was an idea that he put forward.

However, in terms of the House of Commons, I really struggle to see the logic of how that plays out in terms of the relative numbers of MPs for each territory. Equality at the UK level—dealing with those issues that are reserved or that are not captured by English votes for English laws—seems to be a relatively straightforward way of proceeding, if you are going to maintain the Union, but then, of course, you would have potentially differentiated devolution settlements for different territories, reflecting the differences of those devolved territories, and perhaps doing something with a second Chamber. Those are probably better ways of dealing with the problem you highlight than coming up with arbitrary numbers for the different representation of the different constituent units of the UK in the House of Commons. Sorry, that was a slightly long-winded response.

Q126 Ben Lake: No, thank you, professor. It is incredibly interesting. I know it is beyond the scope of the Bill to talk about House of Lords reform. That is an entirely separate Bill.

One final question: we have had quite a bit of discussion this afternoon—indeed, this morning as well—on the status of Ynys Môn and the proposal for it to be a protected constituency, given its island status. I know that you are a native of Anglesey. Do you have any particular views or comments in that regard?

Professor Wyn Jones: I am not sure that I will have any additional insight. As you are aware, and—I was listening in to the conversation earlier—as I know many other members of the Committee are aware, those of us who come from Ynys Môn view ourselves very much as "mocha Môn", as we say in Welsh. That's a strong identity. People from over the Menai Strait will say, "Well, it's only a few hundred metres. What makes you so special?" You can go back and forward, as we do in the pubs of that area on a regular basis. The issue is: where do you draw the line in making special cases? At that moment, I am quite pleased that I am not an MP and that I am a mere academic. I can hand that decision back to you.

Ben Lake: Diolch yn fawr i chi. Thank you very much.

Q127 Christian Matheson: Thank you. Good afternoon, Professor. You piqued my interest when you talked about Arfon in comparison with Cardiff South and Penarth. Knowing Arfon as I do, which is one of the most beautiful constituencies in the whole of the UK, I know that one of those is an urban area and part of a city and the other is not only a very sparse rural area but very mountainous. Is there not a trade-off between that mountainous, very sparsely populated rural area and the numbers, as opposed to an urban area where you can get the numbers quite easily? Where does the balance lie? At the moment, you are suggesting that the numbers are—and should be—the primary concern.

Professor Wyn Jones: This is, as you know, a knotty, difficult issue. A century ago, we ended up with a system that was horribly weighted against more built-up areas and in favour of rural areas, because we had seen a lack of boundary reform. That was deeply unsatisfactory. There are, no doubt, more challenges in terms of MPs moving around in rural constituencies. On the other hand, urban areas often have different kinds of problems that may take up more time. I guess the point I am making is that you could make an argument for Powys being particularly rural. Then again, if you compare it with the north of Scotland or the isles, it looks relatively compact.

There is often a tendency for those of us who live in and who have been brought up in Wales to view ourselves as being particularly rural. Actually, in comparative terms, even Arfon is relatively built up. I really wouldn't want to exaggerate the differences there. I am afraid I am not really answering your question directly, because I don't think there is a "gotcha" answer to that. I still think that equality is the place to start from. Then you can say that the very northernmost parts of Scotland, or Shetland and Orkney, have rurality issues that are so obvious and pronounced that they trump the equality argument, but I struggle to make that argument in the Welsh context.

Q128 Christian Matheson: You made an interesting point about the previous proposals to reduce Parliament to 600 MPs: you said that it was not politically viable—in other words, it did not have political support. Did you think it was a good idea?

Professor Wyn Jones: It certainly did not have the support of elected Members—that is why. Obviously, there was a manifesto commitment, and an election was won on the basis of that manifesto. The usual practice is that that is a mandate and should be enacted, but it was clear from talking to, for example, Welsh Conservative MPs that they were absolutely not keen. They did not view themselves as tied down by that mandate.

Q129 Christian Matheson: Professor, did you think it was a good idea to reduce to 600 MPs across the UK?

Professor Wyn Jones: As I think I indicated in response to one of your colleagues, I do not really have a very strong opinion. I know that academics are meant to have strong opinions on everything, but is it 600, is it 625, is it 650? From a Welsh perspective, it is not a massive difference, because we are so over-represented at the moment. Equality is the key thing—if it is 600 or 650, it is not a massive difference in terms of the number of Welsh MPs. I have no strong feelings about that.

Q130 Christian Matheson: You did indicate support for removing Parliament from the approvals process. Are there any other areas of public life where you think Parliament should not have a say, or that Parliament should not be allowed to scrutinise?

Professor Wyn Jones: I think I have been very clear in saying that Parliament does have a legitimate role in scrutinising and, in fact, in setting up the basic policy—forgive me if I was not clear in saying that. Parliament should very much be involved in establishing the parameters within which the boundary commissioners work. That is absolutely what Parliament should be doing.

I was saying that there is a very strong in-principle argument for removing Parliament from the final approval. In effect, I advocate a system in which MPs, in particular, are voting from behind the veil of ignorance—they do not know what the particular parameters that they are voting to approve would mean for them as individuals. They should be involved at the start of the process, but then the boundary commissioners carry out Parliament's will.

I am absolutely not saying that Parliament should not have a role; I am saying that it should be a specific role at the start of the process. The human temptation for MPs to look at whatever the commissioners come up with through the lens of their own self-interest is too strong.

Q131 Christian Matheson: As an academic, do you ever supervise your students' research?

Professor Wyn Jones: All the time, yes.

Q132 Christian Matheson: You will give them parameters, but you do not then leave them to complete the job themselves, do you?

Professor Wyn Jones: For example, you will guide a PhD student, but you do not mark their homework; you get external examiners in who decide if the standard is good enough.

Q133 Christian Matheson: It is not MPs marking MPs' homework, but MPs marking someone else's homework. My point is, setting the parameters and then making sure that the parameters have been set is something you are fairly used to and would understand.

Professor Wyn Jones: But with respect, we are all human, and I think that asking MPs to look at the results of a Boundary Commission review in the abstract, without considering what it means for them as individuals, is asking for an inhuman level of self-denial. The experience of the last two reviews suggests that there is every likelihood that, if we continue with the current system, these boundaries are going to become so out of date that they actually endanger the legitimacy of the democratic process.

Q134 Christian Matheson: Okay, but the last review was, as you quoted other people as saying, "politically unacceptable". Did we not get out of jail by, fortunately, having that pressure valve and not reducing to 600, meaning that we now have a better set of boundaries as a result?

Professor Wyn Jones: I do not think that the pressure valve was in any way related to an in-principle view that 650 was better than 600. There was a democratic mandate for reducing the size of the House of Commons. The reason why it did not happen, at least from what I understand after talking largely to Conservative MPs, is that too many people were unhappy about what it meant for them personally. It was not a great defence of principle that won out but—forgive me for saying so—pretty naked self-interest.

Christian Matheson: Thanks very much, professor.

The Chair: Professor Wyn Jones, I thank you on behalf of the Committee for giving us your time and for the evidence you presented. That is very much appreciated.

Professor Wyn Jones: My pleasure. I thank all the Members.

The Chair: That brings us to the end of this marathon oral evidence session, in which we have taken evidence from nine witnesses. The Committee will meet again on Tuesday at 9.25 am in this room to take further evidence. Sir David Amess will be in the Chair for that session. I thank Members for their self-restraint—I think only two of you mentioned your own constituencies, which is incredible. I even got to mention Rathlin Island in my constituency, for some reason.

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

4.42 pm

Adjourned till Tuesday 23 June at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

PCB01 Liam Pennington

PCB02 John Bryant

PCB03 Dr Alan Renwick and Professor Robert Hazell, Constitution Unit, University College London

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

PARLIAMENTARY CONSTITUENCIES BILL

Third Sitting

Tuesday 23 June 2020

(Morning)

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

not later than

Saturday 27 June 2020

The Committee consisted of the following Members:

Chairs: †Sir David Amess, Ian Paisley

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

Sarah Thatcher, *Committee Clerk*

† attended the Committee

Witnesses

Professor Robert Hazell, Constitution Unit, University College London

Dr Alan Renwick, Deputy Director of the Constitution Unit, University College London

Chris Williams, Head of Elections and Field Operations, Green Party

Professor Iain McLean, Professor of Politics, University of Oxford

Professor Sir John Curtice, University of Strathclyde

Public Bill Committee

Tuesday 23 June 2020

(Morning)

[Sir David Amess *in the Chair*]

Parliamentary Constituencies Bill

9.25 am

Ordered,

That, the Order of the Committee of 18 June be varied so as to omit the tenth, eleventh and twelfth rows in the table and substitute the following—

Tuesday 23 June	Until no later than 9.55 am	Dr Alan Renwick, The Constitution Unit, University College London Professor Robert Hazell, The Constitution Unit, University College London
Tuesday 23 June	Until no later than 10.20 am	The Green Party

—(Chloe Smith.)

Mrs Maria Miller (Basingstoke) (Con): On a point of order, Sir David. Can I perhaps ask that Members be given priority to sit, so we can hear the evidence?

The Chair: That is what I thought would have been done. Surely the Members should be in the main body.

Mrs Miller: Further to that point of order, Sir David. Actually, perhaps the Whip can make room. Thank you, Sir David.

Examination of Witnesses

Professor Robert Hazell and Dr Alan Renwick gave evidence.

9.26 am

The Chair: We will now hear from Professor Robert Hazell and Dr Alan Renwick, both from the constitution unit at University College London. We have until 9.55. They are appearing virtually, in audio only. Professor Robert Hazell, can you hear me?

Professor Hazell: Yes, I can hear you, and I apologise for being a disembodied voice. Can you hear me?

The Chair: We can hear you loud and clear, professor. Dr Alan Renwick, can you hear us?

Dr Renwick: Good morning. I can hear you very well.

The Chair: You have probably never taken part in one of these sittings before, and I do not think that any of us have done so in these circumstances, so it is a big learning curve for us all, but please relax and enjoy the sitting. Colleagues are not here to interrogate you. They are trying to get information out of you to enrich the deliberations that the Committee will begin on Thursday. Professor Hazell, would you briefly introduce yourself, please?

Professor Hazell: I am Professor Robert Hazell. I was the founder and first director of the constitution unit at University College London and I am professor of government and the constitution.

The Chair: Dr Renwick, would you introduce yourself, please?

Dr Renwick: I am Dr Alan Renwick. I am the deputy director of the constitution unit at University College London and I lead our work on elections and referendums.

Q135 The Minister of State, Cabinet Office (Chloe Smith): Professor Hazell and Dr Renwick, thank you very much for joining us. You very kindly supplied some written evidence, and I am sure we have all had a chance to look at your recent blogposts—thank you for those. Could you take us through what you see as the independence of the UK boundary review process, which in your written evidence you describe as

"among the best in the world"?

Dr Renwick: Perhaps I can kick off. Thank you, Minister, for that question, and thank you to the Committee for inviting us this morning.

As you say, the boundary commissions in the UK are unusual in international comparison in the degree to which they uphold the principle of independence. They are appointed in a process that, on the whole, upholds that principle. As we said in our submission, we have some concerns that the safeguards should be enhanced, but the process that the commissions follow is independent of Government and of Parliament, as it should be. The principle that should be followed is that those who have a direct interest in the outcome of the review process should not be able to determine the outcome of that process, so it is proper that Parliament sets the overall rules but that the process is then conducted by the independent boundary commissions. Of course, it is also proper that MPs should be able to make submissions to the boundary commissions, as they do, but that the final decisions ought to be made by the commissions.

At present, the reviews are conducted by the boundary commissions, but it is then up to Parliament to decide whether to implement those reviews. It seems to us that that is simply a very clear breach of the principle of independence. There have been three cases now—in 1969, 2013 and 2018—when the review was blocked in one way or another. That is not a desirable outcome. Whether or not partisan or personal interests were involved in those decisions, at the very least the perception is created that they could have been. That is undesirable, and we now have boundaries that at least in England are based on electoral registers from 2000—clearly, they are very out of date.

We have a strong view that it is correct to have automatic implementation of reviews, which already works very well and without any problem in Australia, New Zealand and Canada. It ought to be introduced in the UK as well, alongside better safeguards to ensure that the current independence of the boundary commissions from Government cannot be taken away by Government in the future.

Q136 Cat Smith (Lancaster and Fleetwood) (Lab): Thank you so much, Professor Hazell and Dr Renwick, for giving evidence to the Committee this morning. I want to thank you for your blogpost on 5 June, which was in response to our Second Reading debate, and explore some of the issues that you raise, including that the

"safeguards against a government that wanted to interfere are relatively weak."

Of course I am not suggesting that that is the position of the current Government, but obviously when we legislate we need to safeguard against any interference by future Governments who may wish to interfere with the process.

You explained that you have various concerns about the Bill and you suggest various solutions to strengthen it. What action do you think could be taken to improve the Bill, in order to safeguard us from political interference? Also, can you expand slightly on some of the solutions that you outlined in that blog, for example an amendment perhaps to legislate to bar members of or donors to political parties from appointment to the commission, as is the case with local government?

Professor Hazell: Shall I answer that question? The first point to make is that the greatest risk of political interference is the one that Alan Renwick referred to in his first answer—namely, the ability of Parliament at the final stage to vote down the orders made by the boundary commissioners for their proposed changes. The strongest single point in our submission to the Committee is that in future the boundary commissions' reports should be implemented automatically, without any opportunity for Parliament to intervene at that final stage.

As we also argue in our submission, however, there is a risk that once Parliament loses the ability to control the final decision, the Government may seek to influence the work of the boundary commissions prior to that final stage. I think, Ms Smith, that was the burden of your question, and in our submission we propose four ways in which the independence of the commission in future should be strengthened, mainly through tightening up the appointments process.

Briefly, those four ways are as follows: first, that in future the commissioners should be appointed for a single, non-renewable term, as with many other constitutional watchdogs, which I can enumerate if you want further details; secondly, that they should be subject to the same political restrictions as members of the Local Government Boundary Commission for England, which performs a very similar boundary defining function; thirdly, that the deputy chair of each commission should sit on the appointments panel, as indeed they did last year in the selection of two new boundary commissioners; and fourthly, that the appointing Minister should be required to appoint only from the names recommended by the panel.

Therefore, we are recommending that paragraphs 3.2 and 3.3 of the "Governance Code on Public Appointments" should be disapplied for these appointments. I remind members of the Committee that those paragraphs allow Ministers in some cases to appoint someone who has not been deemed appointable by the assessment panel, and in exceptional cases Ministers may decide to appoint a candidate without holding a competition.

Q137 Mrs Miller: I thank both individuals who are giving evidence this morning for doing so. It is incredibly helpful for our deliberations. I want to press them on the key point of their evidence, which is the importance of the automaticity element of the Bill, to understand why that is central to their evidence, particularly the impact on the democratic process of the three previous reviews being blocked. What has been the impact of that, and why is this matter so important to get right?

Dr Renwick: One impact is simply the delay that is introduced into the process. As I said, at present we have boundaries that were first used in 2010, and in 2005 in the case of in Scotland, which are based on electoral registers that in England's case date from 2000. Those registers are now 20 years old, and clearly that delay is undesirable.

Secondly, as I suggested, there is at least a danger of the perception that the process is not as impartial as it should be, and it seems to me clearly undesirable to create that perception.

Thirdly, there is the danger of the reality that the process is not as impartial as it should be. I do not think it is helpful for me to speculate on what the motivations might or might not have been for the decisions that have been taken on those reviews. Perhaps it is safer to go back to the 1969 case, given that no one involved in that decision is present any longer. I think it is fairly universally accepted that that review was blocked because the Labour Government at the time thought that they would lose seats as a result of the implementation of the review and therefore they did not want that to go ahead.

There are similar perceptions in the case of the 2013 decision not to proceed with the review and the decision in 2018 not to go ahead with the review, but I do not want to speculate on whether those perceptions are correct.

Mrs Miller: Can I ask a supplementary?

The Chair: We have at least six colleagues wishing to ask questions and only 14 minutes left.

Q138 Mrs Miller: I was not particularly pressing on the motivations, although I note Dr Renwick's response on that. I wanted to ask about the impact. Dr Renwick, you have talked about it being undesirable to have a delay and to appear partial, but were there any further impacts on democracy in this country that you wanted to put on the record?

Dr Renwick: Some people have expressed a concern that, because the boundaries are old, they have had a marked biasing effect on election results. The evidence shows that, in fact, the effect is quite small. There are a number of factors that can mean that a vote cast for one party has more weight in the overall results than a vote cast for another party. The main factors that shape that are turnout. Turnout in Labour seats tends to be lower than turnout in Conservative seats, and therefore Labour MPs tend to be elected with fewer votes than Conservative MPs.

The second big factor is the efficiency of the distribution of votes across the country. Between 1997 and 2005, the Labour vote was much more efficiently distributed than the Conservative vote. Labour had tended to win more marginal seats and did not waste, as it were, lots of votes

in constituencies that it lost, whereas in the last several elections the Conservatives have had the more efficient distribution of votes across the country. Those are the main factors that lead to biases in terms of the overall election result.

There is also some effect from the distribution of constituencies—both the distribution between the countries within the United Kingdom and the distribution within those countries. At recent elections those effects have produced small biases in favour of Labour, but those are fairly small biases. I am sure you will hear much more on this when you hear evidence from Charles Pattie and David Rossiter, who are the real experts on this, but the consensus in the literature on this is that that effect is fairly small. The effect that really matters is the effect on the democratic principles, not the outcome of elections.

The Chair: I thank our witnesses for their full answers, but I am afraid we will have to have very brief questions and responses.

Q139 Clive Efford (Eltham) (Lab): How far should we go in ensuring that whole communities are kept intact when we form a parliamentary constituency boundary, when balanced against trying to achieve equality of the value of someone's vote?

Dr Renwick: Both of the principles that you have just mentioned matter, and so does the principle that there should not be too much chopping and changing of constituency boundaries from election to election. There is no single correct answer to the question of how those different principles should be balanced. The Venice Commission from the Council of Europe recommends a maximum deviation from perfect equality in numerical terms of 10%. Currently, under the UK rules we have 5%. The evidence from Charles Pattie and David Rossiter, which I am sure you will hear this afternoon, suggests that something like a deviation of 8% would allow much greater account to be taken of local community ties and much less chopping and changing between elections.

Q140 Clive Efford: In order to achieve making sure that communities are kept intact, is it desirable that the Boundary Commission has flexibility and is not kept to a maximum of 5%?

Dr Renwick: I think there should be a maximum, but there is a good case for saying that the maximum could be extended a little bit without undue cost to the equality of the vote.

Q141 Alec Shelbrooke (Elmet and Rothwell) (Con): It is always dangerous to go head to head with an academic, but in terms of the 5% and the 10%, my reading of the Organisation for Security and Co-operation in Europe report is that it is a 10% variation between seats, not a 20% variation. May I clarify, Dr Renwick, that when you talk about the 5% difference, that actually gives an overall difference of 10% between seats, whereas a 10% difference would give an overall difference of 20% between seats?

Dr Renwick: What I am referring to is the guidance from the Venice Commission. My reading of that is that it implies a 10% deviation from the average. If we look at other countries, we see that in New Zealand the deviation is permitted as 5% from the average, and in Australia it is, so far as possible, 3% from the average, and not more than 10%. Therefore, numbers around 5% to 10% seem to be fairly standard. There is no answer that an academic can give you as to what is the correct number, but something in that region is appropriate.

Q142 Alec Shelbrooke: To follow that up, given that we are talking about keeping communities together, as the hon. Member for Eltham has said, does the Bill need to give more clarification to the Boundary Commission for England? In Scotland, the system is much more in-depth, with smaller building blocks. I believe that Scottish constituencies do not have as many arguments as the English ones. Do we need to give more guidance about how the constituencies are built, taking into account communities, rather than change the boundary limits based on the electorate?

Dr Renwick: The difference between Scotland and England is in the practice of the Boundary Commissions with respect to splitting wards. The Boundary Commission for Scotland is much more willing to split wards than the Boundary Commission for England. As I understand it—and you heard evidence on this last week from Tony Bellringer—it is very difficult for the Boundary Commission for England to split wards, because it does not have sufficient evidence to do that. It seems clear to me that, if you can split wards in a way that does not break community ties, that is a better way of achieving the balance between the principles of equality of votes and maintaining community ties than by increasing the margin. If the Boundary Commission for England were able to split wards more often, that would certainly help the overall process.

Q143 Christian Matheson (City of Chester) (Lab): Dr Renwick and Professor Hazell, good morning. I have two quick questions. First, the two previous Boundary Commission inquiries, which were not voted on in the end, lacked political support because, I believe, they reduced the number of constituencies from 650 to 600. That did not have overall political support. The proposals would also have meant that some constituencies would simply not have reflected the communities that MPs represented. The Government have now recognised that by reverting back to the number of 650. Is it not therefore a good thing that we have that safety valve of final approval from Parliament to reflect the lack of community cohesion that might be introduced by boundaries that do not reflect community needs?

Dr Renwick: No, I do not think so. I think the principle should be that Parliament sets up the rules in the first place that will allow the boundary commissions to produce a satisfactory set of recommendations, and that those recommendations should then be implemented.

Q144 Christian Matheson: But the opposition was proved right in the end, was it not? I do not mean Her Majesty's Opposition; rather the opposition across all parties to the previous proposals, which was proved right in the end because we moved away from 600 and back to 650.

Dr Renwick: Yes, I certainly agree that 650 is a better number than 600, but it was Parliament that legislated to go to 600, so it needs legislation to make a decision to move back to 650.

Q145 Christian Matheson: Secondly and finally, you are calling for what we have termed automaticity, but you are also suggesting that there are concerns in the current set-up that need to be addressed before automaticity takes place. It is a bit of a chicken and egg situation: which comes first, automaticity or changes in these structures? Are you suggesting that this Bill should include changes to the way that the boundary commission is appointed and set up, or are you suggesting that we should not have automaticity this time, but should legislate for it next time, and use the intervening period to change the structure and appoint any mechanisms needed at the boundary commission?

Professor Hazell: Perhaps I could answer that, if I may? We are suggesting both. We strongly support automaticity, as Alan Renwick has said. In conjunction with that, to bolster the independence of the boundary commissions, in our submission we propose four important changes to the way in which the commissioners are appointed. Some of those are already matters of good practice, which I am glad to say are followed—for example, that the deputy chair was on the panel for the appointment of junior commissioners last year. To prevent any backsliding, we argue that those four changes should be written into law, so we are inviting the Committee, if it supports the principle of automaticity, to say that we should also have those further safeguards written into the same Bill, in order to strengthen the independence of the boundary commissioners.

The Chair: Order. We have three people wanting to ask questions and three minutes left. Mr Linden?

Q146 David Linden (Glasgow East) (SNP): I would like to ask a question about the situation in New Zealand. I was struck by the fact that you said the whole process takes no longer than six months and by what the hon. Member for City of Chester said about safeguards. Clearly, we did not get this right in the legislation to move from 650 to 600. Can you outline any concerns you have about the associated speed, in terms of automaticity and the fact that we are trying to wrap this up within six months? Surely, if we try and ram this through very quickly it is not going to result in good proposals.

The Chair: Before that is answered, can we finally have Jane Hunt's question as well, please?

Q147 Jane Hunt (Loughborough) (Con): Is it the case that commissioners are led by judges and that they have to declare five years of political activity before they are appointed?

Dr Renwick: I can take David Linden's questions and perhaps Robert can take the second question. I think the New Zealand process is too fast. In a sense, in New Zealand it matters a little bit less because the constituencies are only part of the overall electoral system—it is a more complex electoral system, so they can get away with it in New Zealand. I do not think that would be appropriate in the UK.

In New Zealand there is essentially one set of draft recommendations, then the consultation and then the final set, whereas in the UK we go through several steps. The UK system, which the Bill proposes to maintain, provides the appropriate safeguards and assurances that MPs and others can make representations if the original recommendations are not quite right.

Professor Hazell: To answer the question from Jane Hunt, yes, it is the case that although the boundary commissions are formally chaired by the Speaker, in practice he plays no role and never has. The commissions are led by the deputy chair, who, in each of the four nations of the UK, is a High Court judge, or equivalent. To assist the deputy chair, other commissioners are appointed by the Government; for the Boundary Commission for England they are appointed by the Cabinet Office Minister. The commissioners appointed last year, for example, were appointed for a five-year term, which is renewable. In our submission, we argue that future boundary commissioners should be appointed only for a single non-renewable term, because that is now best practice in relation to other important constitutional watchdogs.

I will mention three recent changes to the law to make the appointment of those people non-renewable. The parliamentary ombudsman is now appointable for a non-renewable seven-year term; that law was changed in 2006. In 2011, the Comptroller and Auditor General appointment was made for 10 years, non-renewable. In 2012, the Information Commissioner appointment was made non-renewable for a single term of seven years.

The Chair: Professor Hazell and Dr Renwick, on behalf of the Committee, I thank you very much for the time you have spent with us. We all feel cheated that we could not see your faces; nevertheless, we are very grateful for the evidence you have given us.

Examination of Witness

Chris Williams gave evidence.

9.57 am

The Chair: To my great relief, our next witness is here in person.

John Spellar (Warley) (Lab): Chair, before we come on to that, we have had several references in evidence to the OSCE report. Would it be possible for the Clerks to get the link for that and send it through to members of the Committee?

The Chair: That is a splendid idea. Thank you for that suggestion. It will be done sooner rather than later.

I am delighted that Chris Williams is here in person. He is the head of elections and field operations for the Green party. We have until 10.20 am for this session, not as was indicated on the Order Paper. Mr Williams, please briefly introduce yourself.

Chris Williams: I am Chris Williams. I work for the Green party of England and Wales as head of elections and field operations.

Q148 Chloe Smith: Mr Williams, thank you for joining us this morning. I thank all the political parties that have given some technical engagement with the Bill in its development. Please set out what you think of the Bill and any particular characteristics you would point to.

Chris Williams: I can run through our thoughts briefly. Thank you for the involvement we have been invited to have with yourself and civil servants.

We are supportive of the change to 650 MPs. We are also pleased that the electoral register data to be used has moved back to March 2020. A minor improvement would have been to move it to December 2019, but that is still a good move. Changing the future reviews to every eight years is positive.

I have some concerns around how the constituencies will end up looking in terms of representation of the communities that we want to see well represented as part of the system we operate within. The 5% tolerance limit is potentially challenging. We have some concerns around how all this will be perceived in Wales. The last speakers spoke about automaticity. I have commented on perception and the perception that any involvement from the Government could be seen as problematic without the ability for Back Benchers to stop any recommendations once they come back from the commissions.

Finally, if I have understood things correctly, in future reviews, the Bill says the deadline in any year for the commissions to report back to the Government or the Speaker is 1 October. In future, there would not be very long before a general election—just seven months. That does not give a great deal of time for reselection and candidate selection to take place and for smaller parties and independents to get their act together, so to speak. I think moving the date forward to something more like July before a general election would provide a bit of protection there.

Q149 Cat Smith: Mr Williams, thank you for coming to give evidence before the Committee. To push you slightly further on something you have already alluded to, what are your views on the very tight tolerance limit of 5% in the legislation that we will be moving into scrutiny of on Thursday? How does it relate to those community links, and what issues do you think that very tight tolerance will throw up when it comes to the realities for communities?

Chris Williams: That is a good question. I guess I should say—I appreciate it is beyond the scope of this Bill—that the Green party does not support the first-past-the-post system, but one of the benefits of it is the very strong link between Members of Parliament and the communities they represent. If members of a community perceive that their constituency is of a very bizarre make-up, or that they have been stuck together for some convenience, that breaks down that benefit that currently exists with MPs.

Certainly from my experience last time around, when we were seeking 600 constituencies with a 5% tolerance limit, some very bizarre constituencies were put together. I looked at the west midlands make-up in some detail, and some of the constituencies were incredibly bizarre, with an awful lot of complaints. One was effectively a sausage-shaped constituency that was very, very long—I think it was the Birmingham Selly Oak and Halesowen constituency. The only thing that the boundary commission, bless them, could find to operate within the tolerance limit that had a community tie was a canal, but of course if you take that to its extremity, you will end up connecting some places that are very far away from each other. Giving the Commission the flexibility to have a 7.5% variance in extreme circumstances, where it is necessary, would help avoid some of those problems. I can see some real problems in rural areas as well, where I think a greater tolerance would really help.

The Chair: Just before I turn to Mrs Miller, I want colleagues who are sitting in the Public Gallery to realise that I am aware that they are part of the Committee. If they want to ask a question, they should indicate to me and then speak from the microphone, as Mrs Miller has done.

Q150 Mrs Miller: Thank you very much, Sir David. I thank Mr Williams for coming to give evidence today; it is incredibly helpful to hear from a wide range of political parties. I note that in your introduction, you said you would cover issues in England and Wales, and I thought I detected a slight accent—I do not know whether you come from Wales. I wanted to press you a little further on that, because there are four protected constituencies in the Bill: two constituencies that will be the Isle of Wight, a single constituency in Orkney and the Shetland Islands, and the constituency formerly known as the Western Isles. Do you feel there is an argument to be made for protected constituencies in Wales? Other than Northern Ireland, which I think has its own set of issues, it is the only part of the United Kingdom that does not have protected constituencies.

Chris Williams: There is an argument to be made, particularly around Ynys Môn. I am worried about how all this is going to be perceived in Wales, with a drop of about 20% in the number of MPs, and I think it would be a softener if they see they have been treated equally with England and Scotland, with Ynys Môn seen as a protected constituency. There is an argument about taking into account other geographical features when protecting constituencies, but if you start to look at mountains or rivers, you then start to look at the height or width of mountain ranges, and you get in a complete mess. Certainly, there is a sea in the way between Ynys Môn and the mainland, which is exactly the same criterion that is being used for the Isle of Wight, the Western Isles and Orkney and Shetland. I think it should be applied in Wales as well; otherwise there would be a rightful feeling of wrongdoing to Wales.

Q151 David Linden: Can I ask you specifically what the Green party's view is on the distribution of seats that will result from this Bill? It is my understanding—the Committee has been told this previously—that Scotland stands to lose seats, and you have spoken about the 20% drop in Wales. Does the Green party of England and Wales have a view on whether or not that is appropriate, and what that does for the integrity of the Union?

Chris Williams: Our Scottish Green colleagues will have a similar position to you on the Union. I guess we come from a perspective of wanting every vote to have the same weight and potentially the same impact on an election, in terms of determining the future Government. The difficulty we have is that whatever we do with the process and with first past the post, there is always going to be some inequity between the constituencies, even if we have no tolerance or variance limit at all. By the time they come in, the numbers will still be different, because the data is always historical and never accurate enough. If we are going to go down the line of every

vote being pretty much equal, and trying to make that as equal as possible within the system, it is very hard to argue for a great deal of difference between England, Scotland, Wales and Northern Ireland. I would say that a vote in Hartlepool is as equal as one in Ogmore but, at the same time, I can see that this might well bring greater arguments for further devolution.

Q152 Chris Clarkson (Heywood and Middleton) (Con): On the same theme, Wales has roughly the same sized electorate as Greater Manchester, where I am an MP, but we have 27 MPs and Wales has 40, which means that their average electoral quota is 64,546, to 71,780 in Greater Manchester. Why do you think that 30% fewer electors are required to elect an MP in Wales?

Chris Williams: I guess I argue that there should not be that inequity, except for protected constituencies. Every vote should be as equal as possible in terms of being able to influence the future make-up of the Government.

Q153 Chris Clarkson: So you accept that there has to be a reduction?

Chris Williams: Yes, unfortunately, but I think that we need to consider the Ynys Môn example. Giving the commission the flexibility of a greater tolerance limit will perhaps mean that places like Wales will feel a little less hard done by, and constituencies will be a little more representative of communities.

Q154 Chris Clarkson: What would you say to those in Greater Manchester who feel hard done by, being under-represented at the moment?

Chris Williams: I would agree with them.

Q155 Chris Clarkson: But that is at the expense of taking seats from Wales.

Chris Williams: Unfortunately, yes. I dare say that England as a whole will not necessarily feel a huge benefit from about 10 extra MPs, but an area like Greater Manchester might well do so.

The Chair: No other colleagues are indicating that they wish to ask a question so, if that is the case, Mr Williams, before leaving, do you wish to add anything?

Chris Williams: I think I have made the key points. Thank you for having me.

The Chair: On behalf of the Committee, we are very grateful for the time that you spent with us. Thank you.

Examination of Witnesses

Professor Iain McLean and Professor Sir John Curtice gave evidence.

10.8 am

Q156 The Chair: Colleagues, as I mentioned earlier, the third witness is no longer able to appear, so we now move to our final witnesses for the morning session: Professor Iain McLean who, again wonderfully, is here physically; and Professor Sir John Curtice, who is appearing virtually. Thank you both for being with us earlier than anticipated. Will you please introduce yourselves?

Professor McLean: Thank you, Chair. I am Iain McLean, professor of politics at Oxford University. John—as he will say in a moment—and I are academics who have been working in this area for decades. I have been a witness at various boundary inquiries, at the fourth and fifth English reviews, never on behalf of political parties, but always on behalf of local authorities. I have published academic papers pointing out that the former rules were mutually contradictory. That was fixed in the Fixed-term Parliaments Act 2011, and it is important that the Bill should not unfix it. I will leave it there.

Professor Sir John Curtice: I am John Curtice, professor of politics at the University of Strathclyde. I have written, as Ian was implying, for about 40 years on the way in which the single member plurality electoral system works in the UK and the way in which the geography affects and has changed its operation in the post-war period. That therefore meets my interest in this area, which has been rather more to do with political ramifications of the commissions' work and the boundary redrawing rather than some of the more technical side, on which you will find Iain much more expert than I, but I am more than happy to share my observations from the stats in which I am interested. I have written about how the electoral systems operate in virtually every election since 1979.

The Chair: Sir John, your voice is very familiar to us all. Again, at least as Chair, I feel cheated that we cannot see you, but never mind. Just so colleagues realise, you do not have to take the time, but we have until 11.25 am if you so wish.

Q157 Chloe Smith: Thank you very much indeed, Sir David. Could we have anything better than more time with Professor Maclean and Professor Sir John? This really is a treat—thank you both very much for joining us. Given that we have a little more time, I would like to start with a question to each of you, although I am sure your paths may cross over as the session goes on.

Professor McLean, you began in your introduction by referring to the rules having been put right in the earlier Bill and said that you would not change them again. Could you go into a little more detail on that? I am taking you to mean the rules that we find in schedule 2 to the Parliamentary Constituencies Act 1986, which, as you will know, the Bill predominantly leaves unchanged. We—perhaps like you—think that they flexible enough to allow the commissions to do their work, but perhaps you could elaborate on that. If I may, I would then like to ask Sir John a question once Iain has had a chance to speak.

Professor McLean: The rules, as originally drafted in 1986, were mutually contradictory. Rule 1 said that you should not expand the size of the House of Commons, and there was an equality rule, the unintended effect of which, as it was then written, was to tend to increase the size of the House of Commons after each review, for mathematical reasons that I hope I do not have to go into now, although I can.

They are now expired because two things in the 2011 Act fixed that problem. It gave total priority to a fixed number of seats in the House of Commons, and because

that overrules everything else in schedule 2 to the 1986 Act, the creeping enlargement of the House of Commons, which some people thought a problem, is no longer a problem. Secondly, within the other rules, the 2011 Act amends the 1986 Act by giving equality of constituency size priority over the other criteria, including local ties and respect for local government boundaries. Once that priority has been set—I am speaking mathematically, not politically—the contradictions in schedule 2 as it originally operated have disappeared.

I have looked at—with some difficulty during lockdown—the text of the Bill and I have it and the explanatory notes in front of me, via a rather dodgy connection to my iPhone. I have looked rather nerdily at the proposed amendments to the vital schedule 2 to the 1986 Act. From my reading—though I am not a lawyer—I would say that they do not upset the changes that were made in 2011 and, therefore, they should be left as they are. I think that will do at the technical level, although the Committee may have further questions.

Q158 Chloe Smith: Thank you very much indeed, Professor McLean. I do not mean to take the role of the Clerk, but I think that I can say that, if it helps, you can take a copy of the Bill and the explanatory notes from the table just behind Mr Efford.

Thank you for that helpful explanation. To clarify it further, do you think that rule 5(1), the list of factors, does a good enough job of providing flexibility to the boundary commissions, given its place in the hierarchy of rules that you have just gone through?

Professor McLean: I may need a moment, Minister; I have just collected paper copies of the documents. Would it be in order to ask you to park that question and ask John in the meantime?

Chloe Smith: Of course. I am still driving at schedule 2 to the 1986 Act, which admittedly you do not have there in your papers.

Professor McLean: I have the Bill here; the amendments to schedule 2 to the 1986 Act are at the back, in the schedule to the Bill.

The Chair: Shall we go over to Sir John to give you time to absorb it all?

Professor McLean: Okay. I will be ready to answer your question, Minister, when you have asked the next one to Sir John.

Q159 Chloe Smith: Thank you very much indeed.

Sir John, thank you very much for joining us. I wonder whether you might be able to help us with our understanding of the data used for boundary reviews. They are based on electoral registration data; could you give us your views on the adequacy of that?

Professor Sir John Curtice: The short answer is that over the long run, from the various exercises—most recently by the Electoral Commission, and before the commission was created, by the Office for National Statistics—that have looked at the accuracy and completeness of the electoral register, we know that there are inadequacies in the register that have increased over time. Those inaccuracies are also related to certain circumstances such as having recently moved house, living in private accommodation or being unemployed. The Electoral Commission's most recent report, for the December 2018 registers, said that they were 85% complete, meaning that only 85% of those people who should be on the register are on it, and 89% accurate, meaning that about 11% of entries relate to people who should not be on the register at the place that they are at.

The Bill makes no difference at all for all practical purposes to the rules for redistribution that were passed in the 2011 Act, but that Act places a premium on allocating constituencies with respect to electorates. We know that those electorates are less than perfect; I guess that if we are really now concerned about the mathematical accuracy of boundaries, what we should probably be worrying about is not the rules for redistribution, but ensuring that those rules are implemented more effectively by improving the accuracy of the electoral register. But that is a long-running problem, and I am not trying to argue that it will be easy to resolve.

Q160 Chloe Smith: Indeed; there is always discussion to be had about how we can continue to improve the completeness and accuracy of the registers. Not that I would get into an argument with you about trends over time, but my understanding was that those are rising rather than declining—but as you say, that is a different discussion.

Looking at electoral registration data with its ins and outs, as you have just outlined, is it the right kind of data to base boundaries on—as opposed to census data, for example, or other kinds that you could conceive of being collected?

Professor Sir John Curtice: The problem with census data, obviously, is that it is now nearly 10 years out of date. You might want to argue that the ONS produces a mid-year population estimate over time, but it does not necessarily have the detail required to set up boundaries.

The second problem is that there is a disjuncture between residency and citizenship. If you went in the same direction as the Scottish Government by giving anybody who is permanently resident in the United Kingdom the right to vote, you might want to consider population as a reasonable proxy for that. However, as long as we are going to limit the franchise to British, Irish and Commonwealth citizens, given that this country has a substantial resident non-citizen population, you are probably not going to want to go down the route of using population. That, again, is tied up with the issue of the franchise.

Q161 Chloe Smith: Understood. Thank you for those opening remarks; that is helpful. Maybe Iain has had a chance to think about the other question I left hanging with him.

Professor McLean: Thank you Minister, and thank you Chair, for your forbearance. It is quite a jigsaw puzzle, but on page seven of the Bill are what you call "Minor and consequential amendments". That is a mistaken heading; one of them is neither minor nor consequential. I will not comment on the addition of the county of Blackpool in paragraph 4 of the schedule; the only material amendment here is in paragraph 4(2): "for '596' substitute '646'." As Members know, that is one of the consequences of keeping the House of Commons' size at 650. The number 646 appears in the

paragraph because of the four reserved constituencies, which are islands exempted from the equality criterion. That is all good. What is not in here are the changes to the schedule of the 1986 Act introduced by the 2011 Act. I was in a position to check that yesterday.

The Chair: Order. I am slightly embarrassed, but I have to share with the Committee that the Bill available in the room is the wrong Bill. Quite how that has happened, I do not know. The Clerks will make sure that the right Bill is available for the next sitting. I was completely unaware of that, and unfortunately there is nothing I can do about it, I am afraid. It is a pity. Professor McLean, one of the Committee members will get the right Bill; it is on its way, and everyone will have the copies.

David Linden: On a point of order, the Bill that I am working from is the one we used for the Second Reading debate. That is not the Bill in the Committee Room. I do not know if I am the only person in the Committee using the Bill from Second Reading. Will you clarify that, Sir David?

The Chair: The ones that were on the table at the side of the room were wrong, but Bills from elsewhere are accurate. I am very sorry about that.

Mrs Miller: On a point of order, Sir David. Could I ask for clarification on the difference between the Bills? Is it material to our discussion? Does it affect the answer we might get from witnesses?

The Chair: My view is that it does not really affect that materially, but I felt that I should place on record the fact that the Bill that we had was not the right one.

Chloe Smith: Further to that point of order, Sir David. The Bill we should be talking about is the Parliamentary Constituencies Bill. The incorrect one is the Parliamentary Constituencies (Amendment) Bill, a private Member's Bill put forward by none other than my hon. Friend the Member for Wellingborough (Mr Bone).

The Chair: This is surreal. I thank the Minister for enlightening the Committee. It was an innocent mistake. The hon. Member for the City of Chester has kindly now made sure that we all have the correct Bill. Professor McLean, are you now in a position to respond?

Professor McLean: It turns out that I always was; my document is the correct Bill. To reiterate, for those who are looking at the correct one, paragraph 4 of the schedule to the Bill, "Minor and Consequential Amendments", addresses schedule 2 to the 1986 Act. That is the one that does all the work. The only material change that is introduced is one of the consequences of keeping the size of the House at 650 Members; after subtracting the four protected constituencies, that is 646. This ensures that the House's size continues to be fixed absolutely. That removes one of the sources of the incoherence of the schedule as originally drafted.

The other source of the incoherence was that the electoral equality criterion, until the 2011 Act, had no priority over the local ties and local government boundaries criteria. Amendments to the 2011 Act, which is not further changed and is therefore not in front of you here, gave the equality criterion priority over the local ties and local government boundaries criteria. That remains unchanged by the Bill. Ministers and parliamentary drafters have not, therefore, by any mistake reintroduced any of the inconsistencies in the original 1986 Bill. I hope that that is sufficiently clear to Members, but I can expand further if people wish.

The Chair: There we are: the Bill introduced by the hon. Member for Wellingborough inadvertently got some further scrutiny from the Committee.

Q162 Cat Smith: I direct my question to Professor Sir John Curtice. I would like to ask about the mathematical accuracy of the boundaries that we are drawing up. Obviously, I do not think anyone would disagree that we would like constituencies to be as equally represented as possible, but I have quite a lot of concern that the data that we are using is not accurate, because the electoral register, as you said in your previous answer, is about 85% complete. A huge proportion of people are missing from electoral registers. Can you see any opportunity in the Bill, Sir John, to increase the accuracy of the data that we are working from? Do you have an opinion about the best source of data to use in drawing up constituencies, so that they could be sized most accurately?

Professor Sir John Curtice: The short answer is that the Bill is not concerned with the process of electoral administration. The process of electoral registration deals with electoral administration. As Professor McLean has just pointed out, frankly the Bill does nothing material to change the rules on redistribution, including on the basis on which the electorate is used to do that. I simply pointed out in my response to the Minister that there are limitations to the data. We know that those limitations are somewhat greater in, for example, inner-city constituencies with a highly mobile population, than in constituencies with lots of older voters and a more stable population. That, undoubtedly, is correlated to some degree with the political proclivity of constituencies.

As I indicated earlier, as long as we wish to make a distinction between permanent residence and the right to vote, and as long as we do not wish to have a national identity card system, it is difficult to think of an alternative to the system we have. The question therefore is whether there are ways of improving the accuracy of the register. One thing we can note is that although we moved from household registration to individual registration—a somewhat controversial move—it is not obvious that it has fundamentally changed the character of the problem before us.

Q163 Cat Smith: For the purpose of drawing boundaries, where it is most important that there be as much accuracy as possible, would combining other sources of information be a way of improving the accuracy of the electoral roll? Perhaps, for example, data held by the Department for Work and Pensions could be added to that on a register, to ensure that it was more accurate. Obviously, that would not be applied in elections; it would just be for the purpose of drawing constituency boundaries, so that the original data source could be made more accurate.

Professor Sir John Curtice: The answer to that question, to be honest, is technically beyond my competence, in the sense that I guess the question that the boundary commissioners would ask is whether it is possible to get DWP data—which refers to the right to work, not

necessarily to the right to vote—at the level of local government wards, which are the principal building block used by the boundary commissioners in building parliamentary constituencies. I would not be surprised to be told that the answer is no, but I do not know. Again, DWP data might rely on whether people have a national insurance record, but that is not the same thing as citizenship.

Q164 Cat Smith: I will direct a question to Professor McLean, who I hope now has the right Bill in front of him. Back in 2010, Professor, you wrote an article for *The Guardian* about the boundary review commencing then. I was interested to see that in it, you progressed the argument that the most accurate way to ensure that every vote counted equally would be to move towards proportional representation. That is outside the scope of the Bill, but it shows up the conflict that we have. Would not the way for every vote in the United Kingdom to count equally be to have just one constituency—the United Kingdom—and a system of proportional representation, even though that comes into conflict with the communities that we represent? Ultimately, if we are to maintain the constituency link, we have to have a percentage variance between seats; we cannot have every single seat with exactly the same number of electors. It is a question of where we draw the line.

How can that balance be struck? Is the 5% tolerance most appropriate, or if we are not moving towards a system of proportional representation, should there be a larger tolerance, so that community ties are considered more important?

Professor McLean: For clarity, it is important to separate the question of proportional representation from that of the 5% tolerance, because they are different questions. As I evidently said in 2010—you have better recall of what I said than I do—a single-member district system cannot be proportional. That is a mathematical truth. Legislators must make a choice, and the choice that the UK Parliament has made is reflected in this Bill and many others: the single-member district system.

I do not think that it would be a good use of this Committee's time to talk about whether the UK should switch to proportional representation; with your permission, Chair, I would rather duck that part of the Member's question.

On equality, the Member poses an important question: is it correct that the equality criterion should override the other ones—the ones on local ties, and on the constituency boundaries following local government ones where possible? My view, which is an arithmetical view, not a political one, is that it is right for the equality criterion to override the others.

Becoming somewhat more political, my observation of boundary inquiries is that since local ties are not further defined in the Act, I have observed on several occasions that for a number of very shrewd operators, who will be well known to members of this Committee, Conservative local ties go one way, Labour local ties go another, and Liberal Democrat local ties go yet another. Each of them, because they are paid to do so, makes a plausible case before a commissioner, who in England is deliberately chosen not to be from the area. Moving on from the mathematics, my view as a political scientist is that the local ties criterion is eminently manipulable, whereas the plus or minus 5% criterion is not.

Is the criterion wide enough? In the United States the courts have said that as near as possible to 0%—not 5%—is the accepted tolerance for US congressional districts. So, it is possible to have a tolerance lower than 5%, but that is not in this Bill and it is not in the earlier Acts.

Q165 John Spellar: Should we have districts?

Professor McLean: Well, since we have more time than we thought, we could have a discussion about US congressional districts, but Members may wish to move on.

Q166 Alec Shelbrooke: Gentlemen, thank you for giving your time today. As you have probably picked up from reading previous reports, one of the issues this evidence inquiry is trying to get to the bottom of is how we are going to advise the commissions about the best way to do these boundaries.

Building on what you have just said, Professor McLean, about keeping the right size and in terms of communities, about which one can always argue, can we look at rule 5(1)(c) in the 1986 Act, which is about keeping boundaries in existing constituencies? My question, to both witnesses, is about whether the Bill needs to have some clarifications put in it, especially around what we are struggling with regarding the Boundary Commission for England. The evidence from the Boundary Commission for England was pretty much, "We are always going to try and do it with wards, and we will just get the numbers to work." That overrides almost all the rules in clause 5, including geographic considerations. I gave the example of a North Yorkshire ward that one can only get to by completely leaving the constituency and spending a considerable amount of time on the road, but it would make the numbers work.

Can I probe your minds on the resistance to building outside of the wards, or, in other words, splitting wards down, as they do in Scotland, in order to try to keep existing communities together? What are your views on the different definitions of county constituencies and borough constituencies? How does that play into the building of constituencies? Does the Bill need further guidance to try to equalise the United Kingdom's approach to how it builds constituencies, with the gold standard of Scotland being a good example?

The Chair: Would you like to ask that to both witnesses?

Alec Shelbrooke: Yes or whoever feels it is more appropriate for them to answer it.

Professor McLean: If John is willing, I will go first, but John will wish to add something about the practicalities of the Boundary Commission for Scotland, which he has written about in academic articles.

The presumption against disturbing existing constituencies is no longer sustainable because these are based on electorates in 2000. Population movements, in what will be 24 years before the new constituencies are implemented, will make it impossible, in more than the odd coincidental case, to give any priority to the maintaining of existing constituencies preference. I think 5% plus or minus should be enough for the boundary commissions and the county-by-county inquiries to deal with difficult situations, such as the one the Member mentioned of a

large, empty area in the middle of a constituency. I take it that that is the geographical problem that the Member mentions.

There are other well-known problems of estuaries, such as the problems in the Wirral area last time. Plus or minus 5% should be enough to cope with that. At the risk of sounding like a stuck record, I think it is right that in the 2011 Act, which this Bill importantly does not modify, the plus or minus 5% is given priority over the other local ties rules.

As to whether local government wards are the essential building blocks, that is non-statutory. It is the practice of the English commission, but it has not been the practice of the Scottish commission. I will now hand the floor to John to answer that part of the question.

Professor Sir John Curtice: There is a crucial difference these days between local government wards in Scotland and those in England. Scottish local government is run under the single transferable vote in multiple constituencies system. When that system was introduced, it was introduced without changing the number of local government councillors significantly. All the wards elect three or four members. As a result, every ward in Scotland was increased by three or four. That means, therefore, that the building blocks in Scotland are large, making it difficult for the Boundary Commission to respect more badges. There are one or two instances in England, such as Birmingham, where that issue can also arise, but it is relatively limited.

It is also true—this is not the area of my own expertise—that some entrepreneurial past secretaries of the Boundary Commission for Scotland have ensured that the Boundary Commission has a much better geographically-referenced database than the one in England. I was reading some of the evidence given to the Committee last week and that came out. I am tempted to say that that is one of the advantages of living in a small country: it becomes possible to administer things in finer detail. We have referred to county and borough constituencies. That only relates to the rules for expenditure. It does not otherwise make a great deal of difference.

Beyond that, I simply observe that in this conversation and this morning, and in much of what the Committee seemed to be talking about last night, seems to be about what this Bill is not about, as opposed to what it is about. The Bill does not fundamentally change the rules of redistribution that were introduced by the 2011 Act and implemented by the Boundary Commissions in their 2013 and 2018 reviews—sadly, neither of which were implemented. Apart from changing the number of MPs, it does nothing to change that—apart from a minor and perfectly sensible change with the rules about respected local government boundaries. I suggest that at some point the Committee might want to focus on the significant changes the Bill does introduce as opposed to the areas that the Bill does not propose to change at all. I understand, of course, that some Members may wish to unpick the provisions of the 2011 Act.

Q167 Alec Shelbrooke: One reason we are probing how constituencies are built is because there is removal of parliamentary oversight. It needs to be done properly the first time. You rightly referenced the size of the wards in Birmingham. I am a West Yorkshire MP. There are two councils in West Yorkshire, Kirklees and Leeds—out of the five councils—where the wards are far too big not to be split.

This comes down to guidance. As you pointed out, the large wards and the way they are managed in Scotland has allowed a more detailed approach. When you get to the arguments of whether it should be plus or minus 10% or 5%, I am seeking your view as to whether the arguments about the variations can be overcome by the guidance, which goes more explicitly to the Boundary Commission for England in splitting wards.

In the past, there has been a habit of them trying to form some strange shapes, like American congressional districts, just to get the numbers right, forming very strange communities. They have almost always then changed the first draft significantly in the second draft. The guidance that will go in this Bill, especially for the Boundary Commission for England, should try to avoid that situation.

The parliamentary oversight is going, which I believe is the correct thing to do. But we must get this right the first time and use this Bill to iron out these issues. Is this Bill strong enough, in terms of the Boundary Commission for England, to construct constituencies, which have an eye to what has gone on in the past, but do not end up with peculiar shapes and communities just to make the numbers work?

Professor Sir John Curtice: Can I respond to that? It is true that the current arrangements for parliamentary oversight do not make it very easy for the House of Commons to change the detail of the provisions. It basically has to say yes or no, and only after it has said no can the Government attempt to change the provisions of the Commission. That is the first point; otherwise, it is a guess on my part, but I would anticipate that now we are going to a House of 650 seats rather than one of 600, some of the difficulties with supposedly major constituencies may be less sharp.

The final thing to say is that even with us going for 650 seats rather than 600, the next boundary revision is bound to be a major one. Because Parliament has blocked both of the last two redistributions that it ordered, we now have boundaries that are 20 years out of date. We are also finally getting around to dealing with the differences in the allocation of constituencies to England, Scotland and Wales, so this is bound to be a disruptive redistribution. It will be somewhat less disruptive than it would have been with 600 seats, but it is bound to be disruptive, in much the same way as the one that was introduced in 1983, because that got affected by the direction of local government.

You might want to investigate the forces that have resulted in boundaries going out of date—that is, population movements, which historically for most of the post-war period meant people moving out of the inner city into more suburban and rural areas. The last analysis of this I read, which was by the expert Tony Champion, indicates that this has been going on to a lesser extent; it is notable that somewhere like London is now gaining population and is certainly not going to lose out from the current redistribution. Of course, nobody knows what is going to happen in the wake of the pandemic, but it is worth being aware that some of the demographic forces that have given rise to the kinds of inequalities we have been used to may no longer have quite the same force as in the past.

Professor McLean: If time permits, Chair, may I come in on part of the Member's question, which was to do with whether the guidance in the Bill should be more explicit than this current draft? My view is no, for the following reasons.

The legislation is UK-wide, as you all know. As this discussion has revealed, the English and Scottish—and, may I say, Northern Irish—commissions have all taken different approaches to the local government boundary question. Those different approaches are all legitimate within the text of the Act that this Bill amends, and it does not amend that Act in any material way. Therefore, I do not think there is any need to give guidance to the Boundary Commission for England that, if it wishes, it can be more flexible in Birmingham and West Yorkshire than its predecessors have been. It already has that discretion; that discretion is exercised by the Boundary Commission for Scotland, and to pick up a point of John's, if at the last review the Boundary Commission for England had invested in geographic information systems that were as up to date as the Scottish commission's, some of the problems that the Member mentioned—which I know concern a lot of Members—could have been avoided. My view is that as the existing statutory framework gives the commission the authority to ignore local government boundaries if it has to, there is no need to change the draft Bill in that respect.

Q168 Clive Efford: Professor Sir John, how much does locality and shared common experience in a community influence how individuals vote?

Professor Sir John Curtice: The research on this goes back quite a way, and the answer is "to a degree". For the purposes of answering this question, I will go back 20 years psephologically, because the psephology of party support has changed so much over the past 20 years that this is not necessarily true now. If we go back 20 years, to an era when a middle-class person was markedly more likely to vote Conservative than Labour, and the opposite was true of someone who was working class—that, by the way, is not currently the case—historically, it had long been demonstrated that if you were a middle-class person living in an area that was predominantly populated by people in working-class occupations, you were more likely to vote Labour than if you were a middle-class person living in a more middle-class area.

There were two potential forces going on there. One is that, to some degree, middle-class people who choose to live in a more working-class area may actually already be rather more of a Labour disposition, but equally, it has certainly long been argued that to some degree, you are influenced by the social interaction to which you are exposed, so if you are living in a working-class community, you are more likely to be exposed to pro-Labour arguments than if you were living in a Conservative one.

Of course, the world has moved on in terms of the demography of party support, which is much less clearly structured by class, and social interaction is no longer as geographically bound as it once was and can now take place over social media. Iain may know more than me, but it has certainly been a while since I have seen anybody doing anything major on the extent to which community makes a difference. The only thing that I would say is that, undoubtedly, one of the reasons why MPs will always be concerned about any redistribution is that it upsets the connection between them and their existing electorate.

One of the things that we certainly do know—again, this may also be relevant to your question—is that if somebody has been elected for the first time at the last election and defeated the incumbent MP from another party, there is a fairly consistent tendency now whereby, in view of the next election, that new Member, who has probably just won a marginal seat, has a great deal of incentive to be representing their community and to be visible and so on, to get something of a personal bonus. You can see that in the way that the Labour party defended some seats in 2019, with newly incumbent, first-term Labour MPs doing well, and it was similar for the Conservative party in 2017. To that extent at least, yes, you can certainly also argue that a minority of voters—in some instances a crucial minority—will vote for their individual MP rather than for the party, but of course, if you get a boundary redistribution that carves up an individual MP's constituency, that link is broken.

In truth, in our electoral system, there is a continuous and perpetual tension. We want our electoral system to do two things: on the one hand, we want it to provide local representation, and on the other, we want it to be a system that provides a means by which the electorate can choose between alternative Governments. I am afraid that I have spent the last 40 years pointing out the potential conflict between those two objectives and that, if you wish to ensure that the system is fair in the ability of voters to choose between alternative Governments, at some point you have to let go of the emphasis on local representation.

In a sense, the debate that we are having now about mathematical equality versus respecting community ties is a sub-part of that broader debate. Decide what your elections are about: if they are about the election of individual MPs and less to do with Governments, you can focus on representing communities; if you think that it is a system for enabling us to choose between alternative Governments, which is the traditional defence of the single member plurality system, I am afraid that local representation has to be given a lower priority.

Q169 Clive Efford: If a community has a shared experience—perhaps, for instance, the "red wall" seats that people have talked about a lot since the last election—and wants to express a collective view through the ballot box, is it not important that those communities are connected and represented in a cohesive and clearly identifiable way, where they have common characteristics, so that their votes will count?

Professor Sir John Curtice: That is what we used to have in the system of parliamentary representation when both boroughs and counties were represented and they were often of considerably unequal size. That comes back to the fundamental question about what we think elections should be about. Are they about providing MPs who represent communities, or are they a mechanism for choosing between alternative Governments? I am afraid that is just an inherent tension within the electoral system that we are looking at.

Q170 Clive Efford: But if those views are diluted because communities are divided up in a mathematical exercise, do people not become frustrated because their collective view, brought about by their collective experiences in a locality, cannot be represented?

Professor Sir John Curtice: Well, you are assuming that the current decisions of parliamentary constituents in some way already play out in—*[Inaudible.]* As Professor McLean has pointed out, what we regard as our community is sometimes in the eye of the beholder.

Q171 Clive Efford: That may well be true. Nonetheless, the community has an opportunity to make those representations to the Boundary Commission.

Professor Sir John Curtice: There is a certain geographical concentration of voters who may or may not feel a sense of community, or who may in fact feel that they are an aggregation of many different communities. For example, I expect that relatively few of the constituencies in the far north of Scotland necessarily think that their constituency represents one agreed community, as opposed to a collection of villages. Indeed, if we go out to the Western Isles, where even the concept of village does not really exist, they will not necessarily think that the constituency is some clear, single, coterminous and homogenous community.

Q172 Clive Efford: That is true. There are communities within boundaries, but it is important that they are not subdivided, just to satisfy a tight, rigid, mathematical exercise, is it not?

Professor Sir John Curtice: The truth is that whatever set of rules you come up with, you may discover that you have got a choice about exactly how you try to represent community interest. At the end of the day, you may well simply discover that whatever rules you come up with, you end up dividing some places that you think—acknowledging that there is a question mark—might be a community.

Q173 Clive Efford: My final point would be that, in that case, should we not allow the Boundary Commission more flexibility than the 5%, in order to meet those concerns, where there is a genuine expression of concern from a local community?

Professor Sir John Curtice: I think my answer is that, while you might make it somewhat easier to avoid some of the cries that "This community is being divided", the fact is that—if you go back to the current constituencies—communities are divided. Do we think that some of the lines that are drawn down the middle of Birmingham or London boroughs necessarily represent a community boundary? I suggest that they do not always do so.

Q174 Clive Efford: Can I turn to Professor McLean? Do we need more than a calculator to map out our parliamentary boundaries?

Professor McLean: I would urge Members not to go down that road. Of course, it is a political judgment for the Committee and the House of Commons. This is somewhat of a knight's move answer to Mr Efford, but paragraphs 86 to 89 of the explanatory notes have a section about compatibility with the European convention on human rights. The criteria to be met are in paragraph 88 of the explanatory notes:

> "The Bill maintains the principle of equal suffrage".

The wider the margin, the less equal is the suffrage. That is the trade-off, which Parliament must decide to make. My view is that plus or minus 5% is ample, given that we have the device of protected constituencies. Of course, Members may wish to add to that number. I see that an amendment has been tabled that Ynys Môn should be added to the list, and Members might feel that Wirral should be added. Those are further instances of geographical peculiarities that might make the application of the 5% plus or minus more difficult. That is a political judgment for Members; as political scientists, or electoral mathematicians, we cannot say anything about it, except that those might be plausible cases. I would be against relaxing the plus or minus 5%, in the light of compatibility with the European convention on human rights, among other things.

The Chair: Before asking Mrs Miller to put her question, in a moment the Division bell will ring. Please stand to observe a minute's silence for those murdered in Reading.

11 am

Sitting suspended.

11.1 am

On resuming—

Q175 Mrs Miller: We have had some powerful evidence that parliamentary boundaries are to a greater or lesser extent an artificial construct, although rules are put in place to try to acknowledge issues, which should be taken into account. I want to probe further something that Sir John talked about earlier. Because we are dealing with boundaries that are 20 years out of date, this will be a disruptive redistribution.

What comments can be made about trying to future-proof any proposals, to take into account any proposed developments and house building, while noting that those cannot be taken into any analysis of the quota? Do our experts have any views on whether that should be taken into account with regards to the geographical boundaries, so as to avoid unnecessary disruption in the future?

Professor Sir John Curtice: There is a difference between the rules of the Local Government Boundary Commission for England and the parliamentary boundary commissions. The local government boundary commissions are permitted to take into account anticipated housing developments. I have had the occasional private conversation with people about this. You may want to quiz the Local Government Boundary Commission for England. The question that arises is how accurate the forecasts of house building and demolition activity are and the extent to which that ensure that the local government ward boundaries do not get out of date.

The answer to you is that it is certainly possible—see the rules of the Local Government Boundary Commission for England—but regarding the extent to which it is effective, you should ask the Local Government Boundary Commission for England, because I am not certain. There is a difference and you could anticipate doing a degree of that.

Professor McLean: May I add to that? It is rather unfortunate that there are two sets of boundary commissions with different operating rules. Although it is not in the Bill, I do not understand why there needs to be a separate local government boundary commission,

in particular one that operates under different rules, as John has just highlighted, from those used by the parliamentary boundary commission.

If one had to choose between these sets of rules—the Local Government Boundary Commission for England permitting evidence about future housing developments and the rules currently before you not permitting them—I would go with the rules that are in front of you, for the same reason that I gave in an earlier answer. One person's likely housing development, which may just happen to favour that political party could be countered by another person's likely future housing development, which may favour another party. I feel for the poor inspector, who is, by construction, not a specialist in the area, and is faced with claims that are very hard to adjudicate. You can adjudicate numbers, but future housing development is much more difficult.

Q176 David Linden: Thank you to our witnesses for their evidence thus far. Professor Curtice was probably right to say that we should focus on things in the Bill. The two major things are going from 600 seats to 650, and parliamentary approval. To take the first issue in a question to both witnesses, why do you think that the Government changed their position, going from 600 seats to 650?

Professor Sir John Curtice: That is not difficult. Turkeys were persuaded to put Christmas in the calendar in 2011 but, when Christmas eve came along, they decided to abandon it. There was always going to be a question mark about the willingness of MPs to vote for their own demise.

The reason why we were to have the cuts in the first place is that in 2010 both parties in the coalition proposed reductions in the size of the House of Commons. That was a populist response to the MPs' expenses scandal. In the end, the cut to 600 that they introduced was less than those in the two parties' manifestos. Then, of course, implementing it became a victim in 2013 of the spat within the coalition over the failure to reform the House of Lords, and in 2018 of the anticipated inability of the then Conservative Administration to get the provisions through—because they were asking turkeys to vote for Christmas. I am indicating that that is a classic case of how, at the end of the day, it is difficult to persuade Members of the House of Commons to engage in a radical reform that will make their lives difficult.

By the way, given that you have asked this question, let me expand its scope slightly. This is an aspect of the Bill that matters, and this is the question of the attempt at automaticity. To make it clear, there is an issue about automaticity—that is, the ability of Parliament to intervene. Parliament intervened in 2013 and stopped the boundary commissioners working—that was the work of Labour and the Liberal Democrats together—and in 2018 the Conservative Government failed to push the provisions through. Back in the late 1960s, the then Labour Government got their MPs to vote down the provisions. To that extent, there is clearly an issue. Although we have a process of neutral boundary proposals operating under rules set by the House of Commons, in effect the Commons has on three occasions, under different Administrations, ended up not implementing the rule, so there is an automaticity question.

My concern, however, is that although the Bill might make it more difficult for that to happen again, it will not stop it happening again. Given that in clause 8 the Bill stops implementation of the 2018 review, going on to have provisions that supposedly make it impossible for Parliament to overturn things in future, the truth is that the same is perfectly possible for a future House of Commons—a boundary review comes along, the current Administration does not like it, saying, "Actually, we should delay it", and all they need to do is to introduce a quick piece of primary legislation to overturn it.

As we saw with the Fixed-term Parliaments Act, it is very difficult to introduce provisions that discipline the House of Commons to keep to a set of constitutional rules, given that we do not have an entrenched constitution. Although all of us would laud the fact that the provisions of the Bill are an improvement, reducing the ability of Parliament to stop things, we should not fool ourselves into thinking that it will necessarily stop Parliament, not least because even within the terms of the Bill an order has to be laid—instead of

"as soon as is reasonably practicable"

at the moment—under the new provisions,

"as soon as may be reasonably practicable".

I am not a lawyer, but the distinction between those two things still strikes me as rather fine on whether or not we could still be left in the situation that we had in the last Parliament, when the provisions were simply were not put before the House of Commons in a timely fashion. That could be repeated.

Professor McLean: I have very little to add. The automaticity may look worrying to some, because it removes the rule from Parliament, but parliamentary supremacy is mentioned in the explanatory notes and of course the Bill could be enacted and then repealed by a future Parliament. That is the nature of parliamentary supremacy. It would be very embarrassing—the mother of Parliaments, one of the oldest parliamentary democracies and so on: it is already very embarrassing that it is operating on the basis of 20-year-old boundaries and therefore we did not have equal suffrage in the 2019 general election, to put it at its most blunt. I would concur with John that Parliament could do it again. It would be embarrassing, and I rather hope it does not.

The Chair: We have just 15 minutes left, but you wanted to come back, Mr Linden.

Q177 David Linden: Of all the things that are embarrassing about the mother of Parliaments I do not think that is the one that would come top of my list. Can I ask specifically about the distribution of seats, and the idea that based on what is before us there would be a reduction in the number of seats for Scotland and Wales? Professor Curtice mentioned that it was a destructive process. Would you go so far as to say that that would impact on the harmony of the Union?

Professor McLean: It was bound to be disruptive once a uniform electoral quota was introduced for the four nations of the UK. John, the Minister, or others can correct me, but I think that that was done by the 2011 Act. The fact that, as has already been mentioned, the two instances of review that should have happened under the 2011 Act have not yet happened, means that that bomb, as it seems to some in Scotland and in

Wales, was primed in 2011. It has not yet exploded, but it will with the implementation of this Bill; but that is a necessary consequence, as all Members know, of a uniform electoral quota for the United Kingdom. I cannot say any more than that.

Professor Sir John Curtice: Can we go back a bit on the history of this? The truth, as Iain will explain much more eloquently than me, is that he original over-representation of Scotland and Wales was entirely the product of accident rather than design. When the Scottish Parliament was introduced in 1999 by the Labour Administration one of the things that was done as a result was indeed to reduce the size of Scotland's representation in the House of Commons—although it was done in a manner that was arguably technically deficient, and did not necessarily deal with the possibility that there would be future disparities between the growth in population in Scotland and that in England.

The principle of basically saying that Scotland's representation should be proportionate to England's representation was already embodied by the Labour party and Labour Administration at the beginning of the century. The same thing was not done for Wales because of course when the then Welsh Assembly was first created it had only secondary legislative powers, and it was therefore felt that the devolution was not on a scale that justified the reduction in the number of Welsh MPs. Given that we now have a Welsh Senedd that has primary legislative powers that are not commensurate with, but not that dissimilar from, those of the Scottish Parliament, as it were, what has already been done for Scotland seems to be relevant for Wales.

As to the actual effect, now we are talking about a 650 Parliament: by my calculation, which is based on the electorates as of the election—but, given we are now going to do the electorate on 1 March it will be slightly different, but will not be very different—Scotland is probably going to lose three seats. It is the last seat, I think, at the moment, that is tight between Scotland and England. At worst Scotland loses three seats. Effectively, Scotland is affected at the edges but not fundamentally, and the fact that Scotland's political system and political representation is now very different from that in England and Wales is still likely to be heavily reflected in any new House.

This is essentially a redistribution from Wales to England, and then within England it is a redistribution really from a line from East Anglia southwards—as opposed to the northern parts of England. Of course one of the ironies of the situation we are now in is that because the Conservative party gained so many seats—they had the so-called red wall seats in the north of England and so on—actually the disparity in the size of the electorate between constituencies that are represented by the Labour party and those represented by the Conservatives is smaller than it has been at any point during these current set of constituencies. In other words, changes in electoral geography are changing the politics of redistribution. London is one of the places that will benefit; it is now a Labour city. The north-east of England, which now has a non-trivial number of Conservative MPs, will lose out heavily. Therefore, actually the redistributive consequences politically are perhaps not quite as toxic as we might have imagined 10 or 15 years ago.

Q178 Bim Afolami (Hitchin and Harpenden) (Con): Professor McLean, you mentioned that you felt it would be difficult for the preference of existing constituencies to be kept to if we keep within the 5% quota, because there would need to be quite a substantial revision, and Professor Curtice made similar remarks. Could you expand a little on your analysis of how that might shake out? In terms of our recent electoral history, where do you think this disruption will rank?

Professor McLean: A problem is caused when you are going by a regional area. The practice of the English commission has been to go by counties for some of its units, including administrative counties such as the former metropolitan counties that were abolished in 1986. That is a defensible practice, because the larger the unit within which you operate, the easier it is to reconcile conflicting criteria. Therefore, if you are in a unit of, let us say, three constituencies, one of which by happenstance is the right size and the others are not, it might be difficult to maintain the right-sized one and observe the other rules. If you are in a unit of 15 constituencies, one of which is the right size, the commissioners have more freedom to draw a map that retains the constituency that happens to be the right size while altering the others.

I said earlier that it is likely—I do not have the data, but John may—that there are now very few constituencies anywhere in the UK that are the right size, which is to say, one 600th of the House, given that we have had 20 years of migration and the disruption mentioned in Scotland and especially Wales. So I think it will be very hard to preserve existing constituencies.

Professor Sir John Curtice: All I can add is that I did look quickly at what statisticians call the standard deviation of constituency size—that is simply a measure of the extent to which the number of registered electors in a constituency varies between one seat and another—and that number is constantly increasing. Basically, there is now a greater difference in the size of constituencies than there was in 2017, there was a greater difference in 2017 than in 2015, and there was a greater difference in 2015 than in 2010. Although politically this redistribution may not be as dramatic as people on both sides of the House might imagine, there is no doubt that getting the constituencies to reflect electorate sizes is bound to be disruptive.

Q179 Bim Afolami: Do you both think we will end up with more cross-county constituencies, particularly in the south-east of England?

Professor McLean: That is going to be up to the operating practices of the Boundary Commission for England if it remains non-statutory, and it is not proposed in this Bill that it should be given statutory instructions different from those in the 1986 Bill. Thinking on my feet, I think that with the exception of the Isle of Wight, which is not a true exception because it is one of the preserved areas, county populations in the south of England are sufficiently large that—sorry, we are not here treating Rutland as a county—

Bim Afolami: It is not a proper county anyway.

Professor McLean: If we take out the Isle of Wight and possibly Rutland, it should be reasonably feasible for the English commission to operate at county level,

but that is an operating matter for the commission. At present it is not in the Bill. If an amendment to give greater respect to county boundaries were introduced to the Bill during its progress, that might imperil the equality rule, which the current law gives as trumps.

Q180 Bim Afolami: One final question, if I may. We have talked a lot about the automaticity of this and how Parliament does not have the ability to vote it down. Bearing that in mind, do you both have a sense of how you feel the boundary commissioners might behave differently now that they would almost have a bit more freedom because of Parliament's not having its ability to vote it down? Do you think they will behave differently in their judgments? They are obviously very professional people and will do their work as best they can, but we all live in the real world and we know that if we think that Parliament has the ability to vote it down, that might affect how radical the final findings we present are.

Professor McLean: The only one of the four commissions that has possibly felt itself at risk under those conditions in the past is the Northern Ireland one, where there are deep issues of community and sectarianism. I am all for protecting commissions from that sort of pressure. Having observed the operations of county inquiries in England—I have never done a Scottish inquiry—I would say that the boundary commissions' staff and inspectors have always maintained great professionalism. I would not expect that to change under the sort of behavioural issues that you raise.

Professor Sir John Curtice: I would trust the boundary commissioners much more than I would the House of Commons on this subject, to be perfectly frank with you.

The Chair: I would like to take the two final questions together because we have only three minutes left. First, Mr Matheson and then Mr Clarkson.

Q181 Christian Matheson: Thank you, Sir David. I will be brief. We have talked about automaticity and the House of Commons using its political interests to reject proposals from the boundary commissions in the past. Is there not a danger, however, that the instructions given to boundary commissions at the outset through the legislation will also have political considerations in them based upon who has the majority in the House of Commons at the time, and therefore a further return to the boundary commission at the end gives a safety valve to perhaps counterbalance the political considerations that might have outweighed the criteria given to the boundary commissions.

The Chair: Thank you. Now Mr Clarkson.

Chris Clarkson: It is fine, Chair. My question is far too long for the time we have left.

The Chair: Splendid. Witnesses?

Professor McLean: To Mr Matheson's question, I am not too concerned about this Bill, perhaps precisely because this Bill does not go into the level of detail that some people might have wanted. It does not give instructions to the commissions, for instance, to always respect local government boundaries or not. The commissions have that discretion. If this Bill is enacted in the rather spare form in which it is in front of you, I would not be too worried about the sorts of issues that the Member has just raised.

Professor Sir John Curtice: Yes, of course you are right that the rules for redistribution are always politically contentious. That said, and to give him due praise, the rules that are now being devised, in so far as how you allocate seats to the parts of the United Kingdom and within England, do follow the rules that Professor McLean was crucial in persuading the Electoral Commission were the right rules to use for allocating MEPs to the regions in the European electoral system. That can be shown to be the fairest way of doing it. On the first point, yes, you are right.

On the second point, as I have been keen to point out to you, if at the end of the day the House of Commons thinks a boundary commission has fouled up, it can still stop the boundary commission. Any new Administration, in particular, can stop it by simply passing new legislation, so you still have the nuclear weapon if you want it.

On the subject of political aspects, that is a part of the Bill that should be discussed; I am concerned that there is some political consideration going on here. Nobody has raised the point that the next review under this is supposed to end in July 2023 rather than in October 2023. No justification is given for that in the Cabinet Office memo or in the explanatory notes. The only explanation that I can think of—maybe I am being unfair—is that somebody is wanting to pave the way to make it possible to hold a general election in autumn 2023 rather than in spring 2024. Certainly, somebody needs to explain why the next procedure is going to be foreshortened by three months for a set of boundaries that are then going to be in place for another eight years, and this is not going to happen thereafter. There is no justification so far, and I encourage the Committee to inquire further.

The Chair: On that final note, which the Committee will have time to reflect on, on behalf of everyone, I thank you, Professor MacLean, and you, Sir John, for the time you have spent with the Committee. We have greatly enjoyed listening to you both.

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

11.26 am

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

PARLIAMENTARY CONSTITUENCIES BILL

Fourth Sitting

Tuesday 23 June 2020

(Afternoon)

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

not later than

Saturday 27 June 2020

The Committee consisted of the following Members:

Chairs: †Sir David Amess, Ian Paisley

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

Sarah Thatcher, *Committee Clerk*

† attended the Committee

Witnesses

Peter Stanyon, Chief Executive, Association of Electoral Administrators

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

Darren Hughes, Chief Executive, Electoral Reform Society

Gavin Robinson MP, Belfast East Constituency, DUP

Dr Jac Larner, Research Associate, Wales Governance Centre

Dr David Rossiter

Professor Charles Pattie, Professor of Politics, University of Sheffield

Public Bill Committee

Tuesday 23 June 2020

(Afternoon)

[Sir David Amess *in the Chair*]

Parliamentary Constituencies Bill

Examination of Witness

Peter Stanyon gave evidence.

2 pm

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The register on 2 March, which is being proposed, would provide a more accurate figure than that provided by the register in December, simply because it has taken account of all the additions that were made through the canvass and that went through as part of rolling registration ahead of the general election, and then cleansed the register as a result of the information gleaned from both the canvass and the fall-out from the general election. I hope that answers your question. I am not sure whether I got everything covered there.

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

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

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

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

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

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

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

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

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

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

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

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

Peter Stanyon: We welcome the fact that the Bill provides for an understanding of the situation closer to when the decisions are recommended by the boundary commissions. One of the big issues is that where ward boundary changes have taken place and the new constituencies follow the old ward boundaries, there is an awful lot of complication in trying to explain that to electors and trying to change systems to reflect a system no longer in place. When you look at a map and see a boundary going straight through the centre of a ward, you are sometimes puzzled about why that is the case. You go back to how it was, based on the previous situation. It is far preferable for the parliamentary constituency situation to be closer to that of the local authority, purely for the administrative reasons of ensuring that you de-risk the possibility of sending electors, postal votes or ballot papers to the wrong area. We would always welcome the latest situation, which is as close as possible to the review, being the one that is enacted and rolled out in the electoral registers themselves.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Q198 Mrs Maria Miller (Basingstoke) (Con): Thank you for your evidence, Peter. If you mentioned this earlier I did not catch it, but we have been talking a lot about polling districts. Could you confirm how often, on average, polling districts actually change? I have been an MP for 15 years and I could probably count two or three times we have had changes in polling districts, which should always be as a result of boundary changes for wards. Is that typical, or are they usually more regular than that?

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

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

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

Q200 Mrs Miller: Would more investment in GIS help?

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

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

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

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

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

Examination of Witnesses

Andrew Scallan gave evidence.

3 pm

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

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

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

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

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

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

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

Andrew Scallan: It depends on how you define prospective, because for us it is our work in hand. We anticipate that 19 reviews covering 3.3 million people will be made before 1 December. Our work programme, at the moment, includes a range of reviews that will not be completed by 1 December. There are around 13 reviews covering 2.1 million people that will be close to completion but will not be ready by 1 December.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Examination of Witness

Darren Hughes gave evidence.

2.43 pm

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

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

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

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

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

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

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

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

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

Q211 Chloe Smith: Thank you very much indeed, Mr Hughes. That is a very helpful depth of detail that we had not managed to get from any other witness in their international comparisons. Could I add one more comparison to that list? I understand that New Zealand does what we refer to here as automaticity. To use your own words, given that there is a political dimension to the process, and given, as you say, that no industry really gets the luxury of being able to set its own rules, is that not a good thing?

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

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

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

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

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

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

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

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

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

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

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

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

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

Darren Hughes: That is mostly right. The number of constituencies for the South Island is set: the population on the census is taken, divided by 16, and that gives you your quota for North Island seats, plus or minus. That number is demand driven by the number of Maori New Zealanders who decide to register on the Maori electorate. For a long time, only about 50% of people did that. It has gone up a lot more in recent times and that is why it has gone from only four seats up to seven, because it is demand driven. It comes off the back of that quota formula that you quote. Therefore—remembering that New Zealand is the same geographic size as the UK—one constituency is the entire South Island plus Wellington in the North Island.

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

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

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

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

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

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

[Chris Clarkson]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Examination of Witness

Gavin Robinson MP gave evidence.

3.25 pm

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

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

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

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

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

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

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

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

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

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

We are mildly concerned that the consequence of the judicial review that just emerged from the Court of Appeal may inject a level of chill in the Boundary Commission's ability to rely on rule 7. It is an important flexibility that it should use, with the need ultimately to demonstrate the rationale for doing so.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

David Linden: Thank you, Mr Robinson.

Q239 Chloe Smith: Gavin, I want to round out our session with one quite small piece of detail, but one that we have not managed to touch on with any other witness yet. That is the way in which the constituencies of the Northern Ireland Assembly are directly tied to UK parliamentary constituencies.

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

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

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

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

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

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

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

Examination of Witness

Dr Jac Larner gave evidence.

3.41 pm

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

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

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

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

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

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

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

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

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

There is also the important uniqueness of Wales's being particularly rural in its population. Given the tolerance at the moment, doing some quick maths, at the lower bound of what is being suggested at the moment—around the 69,000 voter mark—depending on which data source you use, there are only either two or four constituencies in Wales larger than that lower bound. That would necessitate really big boundary changes, and we know from some of our research that people like do not like the idea of constituencies being merged in different areas. It is really a balancing act in terms of how much importance you give to that kind of intuitive feeling of, "Oh no, I want boundaries to stay as they are," versus the idea of fairness in the size of constituencies.

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

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

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

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

Cat Smith: Diolch.

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

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

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

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

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

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

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

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

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

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

The automaticity of the Bill, should it pass, would mean that Wales would not only lose eight seats in this particular review but a further couple of seats at the next review, unless something drastic happens and everybody wants to live in Wales—there is a welcome in the hillsides, by the way. Should that scenario come to pass—I appreciate it is a hypothetical scenario at the moment—could it have any impact on sentiments within Wales and perhaps attitudes towards the Union?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Examination of witnesses

Dr David Rossiter and Professor Charles Pattie gave evidence.

4.6 pm

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

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

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

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

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

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

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

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

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

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

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

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

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

Dr Rossiter: Yes.

Professor Pattie: Absolutely.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I am not sure that I have a clever proposal for you, but I think that is something to worry about; the extent to which those hearings really produce helpful information in all bar a few cases would be a concern that I have. I cannot suggest a fix for you, but if you want to look at something, that is another area that it is worth just having a bit more thought given to it.

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

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

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

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

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

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

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

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

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

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

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

Professor Pattie: This is an interesting issue, isn't it? The issue here again is obviously over, partially, the practice of splitting wards—which clearly can be done—and partially the pragmatics, if you like. I know you have had lots of evidence already about data sources, software availability, etc. I will leave that to people who are more expert in handling those data systems, but clearly that causes an issue. I think I would raise just two points, here. First of all, harking back to our 2014 McDougall Trust report, we did try there to estimate the relative effects on disruption of playing around with the tolerances versus playing around with ward splitting. Ward splitting certainly helped to reduce the amount of disruption, but in our estimates it did not reduce disruption anything like as much as widening the tolerances moderately. The second thing you have to bear in mind here is that we are talking about disruption to communities. Remember how the Boundary Commission's local government wards operate. It tends to be quite strong on the idea that, in building the ward suggestions, it is trying to represent people, so when you split a ward, arguably you are splitting a community—you are doing the very thing that you are trying to avoid, to avoid the thing that you are trying to avoid, if that makes sense. You end up in a strange circular process in which you disrupt a community to save a community. Where the white line is on that is anyone's guess, but ward splitting is neither technically a global panacea, nor conceptually a panacea, precisely because in splitting a ward, you might well be splitting a community.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chris Clarkson: But it is at the moment.

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

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

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

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

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

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

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

[Clive Efford]

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

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

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

I know you have had reference to the standards related to the "Code of Good Practice in Electoral Matters", and there seems to have been some confusion over what that says. I am not sure whether that confusion has been sorted out; I was very surprised by what I heard the other day. I think there is probably an understandable source for this confusion, because an earlier edition of an OSCE publication did indeed say that a 10% tolerance—quite reasonably taken to mean no more than 5% either side of the norm—should be aimed for, but that was never referenced in that version of that booklet; a subsequent edition of that observer handbook has come out, and that reference is no longer in there.

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

"frequent changes in the boundaries of constituencies should be avoided".

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

Clive Efford: Thank you.

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

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

4.56 pm

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

Written evidence reported to the House

PCB04 Local Government Boundary Commission for England

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

PARLIAMENTARY CONSTITUENCIES BILL

Fifth Sitting

Thursday 25 June 2020

(Morning)

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

not later than

Monday 29 June 2020

The Committee consisted of the following Members:

Chairs: Sir David Amess, † Ian Paisley

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

Sarah Thatcher, *Committee Clerk*

† attended the Committee

Public Bill Committee

Thursday 25 June 2020

[Ian Paisley *in the Chair*]

Parliamentary Constituencies Bill

11.30 am

The Chair: You are all very welcome. Before we begin, a couple of preliminary notices: jackets can be removed, obviously, as it is incredibly hot. If I told you to keep them on and that it would make the Bill Committee go away quicker I would, but that would not be fair. We must respect social distancing rules at all times, and I will issue a quick reminder if anyone breaches them. More copies of *Hansard* are being brought up so that Members can check details of previous sittings. I remind Members that electronic devices should be set to silent. Plenty of warm water has been supplied, to make you wish that it was cold water. Given the intolerable heat in which we are working, if you want to bring in refreshments I am happy with that.

We now begin line-by-line consideration of the Bill. The selection list for today's sitting is available in the room. I hope you are happy with how the selected amendments have been grouped for debate. Amendments grouped together are generally of a same or similar nature. Please note that decisions on amendments do not take place in the order in which the amendments are debated, but in the order in which they appear on the amendment paper. The selection list shows the order of debates. Decisions for each amendment are taken when we come to the clause that the amendment affects. I hope that is clear.

John Spellar (Warley) (Lab): On a point of order, Mr Paisley. I seek your guidance before we start to move to details on the clauses. During one of the evidence sessions, we were given evidence on a matter that came up elsewhere. Mr Pratt quoted the Organisation for Security and Co-operation in Europe's observation that

"in a majority voting system, the size of the electorate should not vary by more than approximately ten percent from constituency to constituency."—[*Official Report, Parliamentary Constituencies Public Bill Committee,* 18 June 2020; c. 36, Q64.]

The officials helpfully provided us with the documentation of the OSCE report and of the Venice commission on which that is based, and I thank them for that. The "Code of Good Practice in Electoral Matters" produced by the Council of Europe's Venice commission states that the

> "The maximum admissible departure from the distribution criterion…should seldom exceed 10%".

I think we should ask the officials to seek a full definition of what the "distribution criterion" is. Is there is a fixed figure from which one can deviate either side by up to 10%, or must it lie in the middle of that 10%? It would be enormously helpful to get clarification on that.

The Chair: Thank you for making that point, Mr Spellar. Unfortunately, it is not a matter for the Chair, and I cannot give a ruling on it. However you have made the point and it will appear in *Hansard.* No doubt you will be able to receive some updated material from Mr Pratt if you contact him directly.

John Spellar: Further to that point of order, Mr Paisley. Could we ask the Clerks to seek clarification on that? It is a very important factor on which we might be making our determination.

The Chair: All I can say is that the point has been heard. You have it on the record, and that is the important thing for you at this point.

Alec Shelbrooke (Elmet and Rothwell) (Con): Further to the point of order, Mr Paisley. Just for clarification, as you rightly say it is not a matter for the Chair; it is a matter of debate. I have the same document that the right hon. Member has before him and it is opaque. Therefore I would say that, for your guidance Mr Paisley, it is a matter purely of debate. In order to help the Clerk, you may struggle to find the information sought by the right hon. Member.

The Chair: Thank you very much, Mr Shelbrooke. I do not think the Clerk needs any help. I thank you for trying to help me, but as you say, these matters are not for the Chair. We have had three sittings already and some of the matters have been touched on anyway. They are subjects for discussion and debating points.

Mrs Maria Miller (Basingstoke) (Con): On a point of order, Mr Paisley. Last Thursday, 18 June, when we were taking evidence from the Boundary Commission for England, an undertaking was given to provide evidence to the Committee about the collection of data. We gave the commission two weeks to give that evidence. Has there been any indication of when it might be forthcoming?

The Chair: Thank you, Mrs Miller. I thought that that was the point that Mr Spellar was going to make. It is an important one. We have asked for the evidence to be delivered here by 29 June, which is Monday, so you will have time on Tuesday and Thursday next week not only to consider it but to appeal it.

Clause 1

Reports of the Boundary Commissions

Cat Smith (Lancaster and Fleetwood) (Lab): I beg to move amendment 2, in clause 1, page 1, line 5, leave out subsection (2).

This is a paving amendment for Amendment 5, with the aim of maintaining the status quo of parliamentary oversight within the boundary review process.

The Chair: With this it will be convenient to discuss the following:

Amendment 3, in clause 1, page 1, line 14, leave out subsection (4).

This is a paving amendment for Amendment 5, with the aim of maintaining the status quo of parliamentary oversight within the boundary review process.

Amendment 4, in clause 1, page 2, line 16, leave out subsection (7).

This is a paving amendment for Amendment 5, with the aim of maintaining the status quo of parliamentary oversight within the boundary review process.

Clause stand part.

Clause 2 stand part.

Cat Smith: I shall start by putting on the record the Labour party's support for the boundary review. We do not seek to cause any difficulty with the passage of the Bill. Our amendments and new clauses are intended genuinely to improve the Bill for the good of the democratic process.

We want the best possible outcome in the review. After all, every Member of the Committee represents a constituency that has been drawn up on electoral data that is now nearly two decades old, and communities have changed dramatically in the past 20 years. The Labour party is clear that the boundary changes must happen before the next general election and welcomes the Government's reversal of the previous decision to base the exercise on 600 constituencies, and their decision to revise the number to 650.

Amendments 2 to 4 are paving amendments intended to maintain the status quo of parliamentary oversight in the boundary review process. They relate to clause 1, but have some implications for clause 2. However, I shall do my best not to stray into that territory. The Labour party fundamentally rejects the Government's decision to end parliamentary involvement in the boundary review process. The process requiring MPs to vote on the final report from the commission is an important safety net without which we MPs would number just 600 today. We believe that the change is a dangerous step that would by definition grant any Government with a majority in the Commons unequal and undue influence over the boundary review process. It comes down to simple maths.

A Government with a majority have power to shape and manipulate the rules that govern the boundary review process. Fundamentally, while the commissions are independent, they are given advice and instructions by the Government of the day.

The Chair: Order. You should know that you should also be speaking to clause 2 at this point, Ms Smith. It is in the group, so you are entitled to speak to it.

Cat Smith: Thank you for that clarification, Mr Paisley. It is helpful.

As I was saying, the Government of the day have the power to define the parameters of the boundary review. The question of a 600-seat or 650-seat Parliament is an example of how the Executive can determine the outcome of the process, so there is already some political engagement in it.

We believe that bringing the review to Parliament for a vote of Members is an important safety net, so that parliamentary scrutiny can ensure that the outcome will work for the whole country. For example, the Government knew at the last review that the 600-seat review would probably be rejected by a cross-party majority of MPs in Parliament. The Labour party has big concerns that, with the changes the Bill will make to the way reviews are done, bad reviews could in future be enforced, and there would be no safety net by way of scrutiny in the House to catch them.

In his oral evidence to the Committee, Sir John Curtice said it would be

"perfectly possible for a future House of Commons",

if an Administration did not like the boundary recommendations,

"to introduce a quick piece of primary legislation".—[*Official Report, Parliamentary Constituencies Public Bill Committee,* 23 June 2020; c. 94, Q176.]

Such legislation could delay the boundary review again. In short, the Bill removes power from Parliament and hands it to the Executive. For those reasons, we have tabled the amendments and new clauses in my name and that of my hon. Friend the Member for City of Chester.

David Linden (Glasgow East) (SNP): It is a great pleasure to see you back in the Chair and in charge, Mr Paisley. I repeat on the record the remarks that I made on Second Reading regarding the view of the Scottish National party. We would prefer not to be represented in this place at all, but for so long as the constitutional requirement is that Scotland remains tied to the United Kingdom, Scotland should have no fewer than the 59 seats that we have in this place.

I echo much of what the hon. Member for Lancaster and Fleetwood said regarding parliamentary approval. Our fundamental position is that we did not vote against the Bill on Second Reading because we wanted to see it come to Committee. I genuinely believe that the Minister is a thoughtful person, who will consider arguments on their merits. I hope that in the course of today's sitting and the two sittings next week, she will take on board the amendments tabled not just by the SNP and Plaid Cymru but by the Labour party, which have been tabled with a view to making the Bill better, and making it work for our democratic process.

The hon. Member for Lancaster and Fleetwood is right about parliamentary approval. I have difficulty with the proposal. I listened to Professor Hazell and Dr Renwick give evidence, and I have genuinely wrestled with where we should end up on parliamentary approval. I am afraid that I probably still maintain my position on Second Reading: I am uncomfortable with a process wherein Parliament does not have the final say, because of what we saw in the last Parliament, during which the Government decided that they would try to plough ahead with 600 seats. They lost their majority over the course of that Parliament, but the whole process underlined the need for Parliament to have the final say, and I wish to put that on record.

Mrs Miller: Reference keeps being made to the shift to 600 seats from 650. That decision was made by Parliament; it was not the result of a boundary commission review that Parliament then ratified. Does the hon. Gentleman not understand that, as Parliament made that decision, today we are discussing Parliament changing it back?

David Linden: I am immensely grateful to the right hon. Lady for that intervention. It is fair of her to put that on record, but the issue is the change in policy by the Conservative party. She is right that the 2011 legislation to reduce the number of seats to 600 was introduced by the Conservative-Liberal Democrat coalition Government. I think a number of us on the Committee—some of us tried to tease this out in the evidence hearings—find it rather strange that, after the Conservative party had a very good election in December, all of a sudden its position changed from wanting to have 600 seats to wanting to have 650.

Alec Shelbrooke *rose—*

David Linden: If the right hon. Member for Basingstoke wants to intervene again and explain to me why the Conservative party decided to U-turn on that position, I will happily give way to her, but in the absence of that I will give way to the right hon. Member for Elmet and Rothwell.

Alec Shelbrooke: I can quickly answer the two questions that the hon. Gentleman raises. First, a commitment to 650 seats was in our manifesto, on which we were elected. Secondly, it was in our manifesto because we have left the European Union and have lost 70 MEPs, so there is now a bigger workload. I hope that that clarifies for him why the position was changed. It was in the manifesto before we got a big majority.

David Linden: I put two points to the right hon. Gentleman. Why, if we have lost 73 MEPs, are we not going up to 673 seats in this House? Secondly, if he is talking about the increased workload for Members of Parliament, why is his party trying to reduce the number of seats for Scotland, which presumably also has less representation, in the Bill?

Alec Shelbrooke: To be cheeky to the hon. Gentleman, we could go to 700 seats, which would give us a lot more Conservative seats, because ours are generally bigger than the Labour ones.

David Linden: I would never wish to suggest that the motivations behind this Bill are to ensure that there are more Conservative seats. That would, of course, be disorderly.

11.45 am

John Spellar: I say this in no way disparagingly, but the hon. Gentleman, who represents a seat in Scotland, may not be aware of the enormous changes that have taken place in the electoral register in England. Contrary to the old situation—this shows that the right hon. Member for Elmet and Rothwell is living in the past a bit—more than half of the largest 10 or 20 seats are urban seats in conurbations. He gave a very dated view, but I am not surprised.

David Linden: I am grateful to right the hon. Gentleman for that intervention. I would miss these Bill Committees.

At the risk of going down a large rabbit hole, I will confine my remarks on this group to one other point relating to line 11 of clause 1 and evidence received from Professor Curtice. I refer the Committee to our evidence hearing on Tuesday, particularly question 181, which was asked by the hon. Member for City of Chester. I want to probe the Minister on this point. I know it came in the afternoon, when hon. Members were probably feeling a bit tiresome.

Alec Shelbrooke: Will the hon. Gentleman clarify which question number he is referring to?

David Linden: I am happy to clarify. I am referring to question 181, which can be found on the last page of *Hansard* for the public sitting on Tuesday 23 June.

I want to ask the Minister to comment on a point made by Professor Curtice, who said:

"I am concerned that there is some political consideration going on here. Nobody has raised the point that the next review under this is supposed to end in July 2023 rather than in October 2023. No justification is given for that in the Cabinet Office memo or in the explanatory notes. The only explanation that I can think of—maybe I am being unfair—is that somebody is wanting to pave the way to make it possible to hold a general election in autumn 2023 rather than in spring 2024. Certainly, somebody needs to explain why the next procedure is going to be foreshortened by three months for a set of boundaries that are then going to be in place for another eight years, and this is not going to happen thereafter. There is no justification so far, and I encourage the Committee to inquire further."—[*Official Report, Parliamentary Constituencies Public Bill Committee,* 23 June 2020; c. 98, Q181.]

On that basis, I put that point to the Minister. I hope that in the course of her remarks she will clarify that particular point in relation to line 11 of clause 1.

Mrs Miller: I am very pleased to serve under your chairmanship, Mr Paisley, and to speak to amendments 2 to 4 and that clauses 1 and 2 should stand part of the Bill. This gives us an opportunity to explore some of the important principles within this Bill to deliver fair and equal-sized constituencies for our country.

We like to pride ourselves on being a strong democracy. We stand in the mother of all Parliaments. Yet the current provisions do not give us the absolute certainty that each of our constituencies are of the same size. Our constituents do not each have the same power to elect somebody to represent them. Some seats require a larger population—for example, I have 83,000 constituents —and others require up to 30,000 or 40,000 fewer constituents within their constituency boundaries.

I want to put on record my absolute support for the Bill and the hard work that my hon. Friend the Minister has put into it. It delivers, as has been said, on an important manifesto commitment to remove the current flaws in the system. I am somewhat perplexed as to why the Labour party has tabled amendments that would surgically remove one of the important principles in the Bill, which is fairness in the way that the recommendation from the boundary commission is dealt with.

I am not the only one expressing surprise. We heard from some eminent constitutional experts in our evidence session that the current system is worse than flawed. In particular, we heard from Professor Hazell and Dr Renwick from the constitutional unit at University College London, who said in their written evidence that

"the independence of the UK's process is currently violated at the final step"—

"violated" is quite a strong term coming from an academic—

"when parliament's approval is required to implement the Boundary Commissions' proposals."

Quite simply, with its amendments, the Labour party is choosing to ignore the advice of constitutional experts by continuing to support and promote a system that violates the independence of the approval process, which fundamentally undermines what the Bill seeks to achieve. That evidence goes on:

"Parliament's current approval role has allowed inappropriate political interference to occur three times."

I am quite astonished that the Opposition would want to be on the record as ignoring that advice and evidence, and fundamentally changing what the Bill would achieve.

If that evidence is not enough, the OSCE report, which was cited during an evidence session, makes it very clear that when reviewing and reforming a system of legislative processes, there must be fairly and equally sized constituencies. It is not just academics in this country who say that we need to change our system, but an internationally recognised institution, which says that, if reforming, we should be trying to put in place protocols and safety clauses to ensure that constituencies are as equal as they can be.

I hope that the Opposition will provide a stronger reason for wanting to change the Bill than the reasons that they have already given. Otherwise, we run the risk of continuing with a system whereby Parliament, when it chooses, stops reviews going through. At the moment, we are dealing with boundaries based on data that is 20 years out of date. That is not just unfair to individual constituencies but, as we heard in evidence, it fundamentally undermines our democratic process.

I hope that hon. Members, regardless of party affiliation, can see the inadequacies of the amendments and will reject them, as I will, because they are fundamentally wrong for our democracy. It is wrong that the votes of voters in my constituency have less impact that those of voters in other constituencies. I urge the Opposition to withdraw the amendments, which would so badly undermine not only the Bill but our democratic system.

Christian Matheson (City of Chester) (Lab): What a great pleasure it is to serve under your chairmanship again, Mr Paisley. I will respond to the questions raised by the right hon. Member for Basingstoke, whom I congratulate—although I might be doing someone else in the Committee a disservice—because I believe it was she who coined the term "automaticity".

Mrs Miller: It wasn't me!

Christian Matheson: Then I apologise to the coiner of that term. We learn something new every day in Committee, and "automaticity" is another term that I might try to slip into speeches from now on.

I rise to speak in favour of the amendments tabled in my name and, in particular, that of my hon. Friend the Member for Lancaster and Fleetwood. I am instinctively unhappy about anything that takes Parliament out of the review process. The buck has to stop with Parliament. I remind the Committee that not only would the House of Commons have to approve the legislation, but the House of Lords would have to do so too, so there is no self-interest there.

It is essential that we do not remove Parliament from the consideration of our democracy. Bluntly, nobody is more focused on the quality of our democracy than those of us in this House. That is seen as a negative, but I think it is absolutely a positive to be reminded that at some point, within a maximum of five years, we are going to have to go back to our electorate. To have that sword of Damocles dangling over us is always very important. When I was first elected to this place, I had a majority of 93, and my God, didn't I know it. That makes us take our electorate and our voters seriously, because they are our ultimate employers. Removing Parliament from that consideration is something I am instinctively unhappy with.

David Linden: At the risk of comparing majorities, when I was first elected it was with a majority of 75. The hon. Gentleman is right to touch on this point about the need for parliamentary approval. Does he, as I do, find it a little strange that the Conservative party—largely now made up of Brexiteers—spent the whole Brexit referendum talking about Parliament taking back control and Parliament being sovereign, but now, all of a sudden, it wants to give away control and Parliament not to have approval?

Christian Matheson: What an excellent point. I was not going to mention that, but the hon. Gentleman is absolutely right: Parliament is not taking back control. I am afraid this is one of a number of examples where that was a somewhat bogus phrase, albeit very successful at the job it was employed to do.

Jane Hunt (Loughborough) (Con): Could I talk about the backstop that the hon. Gentleman mentioned? Surely, the backstop here is in the primary legislation that a future Government could bring forward, should they wish. The outcome of the report would then not be known at the time that other hon. Members were making the decision. At the moment, they know the outcome of the report; they know whether they are turkeys voting for Christmas, and that taints the outcome, rather than those decisions being made at the beginning.

Christian Matheson: I thank the hon. Lady for her intervention. One of the advantages of these Committees is that we get to know new Members, and it is great to see her here.

I will give two answers to that. First—I will return to this point—there is a problem, in that this process is affected politically by the instructions that this House gives it. Professor Sir John Curtice agreed with that when I asked him about it during the evidence sessions, and I think my Front-Bench colleague, my hon. Friend the Member for Lancaster and Fleetwood, mentioned it as well. Although the last couple of years have been different, this House normally has a majority of MPs from one party or the other, so there is already a political influence on the instructions that are given.

Secondly, I do not look so dimly on this process. I do not look at it as turkeys voting for Christmas. Of course, there is some self-interest; we know that because when the Boundary Commission publishes its proposals, it gives existing Members within each area—in my case, the county of Cheshire—notice of what those proposals are, perhaps the day before, so we have a chance to take in what is being proposed. We look at our own area first, but the view that is taken is collective. I trust hon. Members. With the greatest respect to the hon. Member for—

Jane Hunt: Loughborough.

Christian Matheson: The hon. Member for Loughborough—forgive me. I do not know her well, although I know the Minister, because we have been sat together in statutory

[Christian Matheson]

instrument Committees many times. She listens; I do not always agree with her, and she does not always agree with me, but she listens. The hon. Member for Walsall North and I have worked together on a couple of matters, and if I may say so, I consider him a friend. He is on the other side of the House, but I trust him to listen, at least.

Alec Shelbrooke: He is a Whip!

Christian Matheson: He is for now; he will not be after I have said that. *[Laughter.]* I know him, and I trust him to listen, but I also trust him to take the best collective view, which is what I think most hon. Members do.

One of the depressing aspects of the evidence sessions was that people who were not MPs but were senior academics were saying, "I don't trust MPs." That plays into a narrative that I object to. [Hon. Members: "Hear, hear!"] I trust MPs, including hon. Members on the other side of the House who I know and have worked with on cross-party issues. I believe that, even if I disagree with their political principles or their position, they are probably doing this job for the right reasons.

12 noon

I will not have this House, or the motivations of most Members, denigrated by people who, because they operate in senior academic circles, might be the very people who would be drafted on to the public bodies to take the decisions. There are people setting themselves up as being in a position to overlook us and perhaps have a different view, simply because they are potentially on the other side. I do not suggest that of the individuals who gave evidence; there were some eminent academics who did so. However, we must be careful not to buy into the narrative that MPs are in it only for themselves. Most, on both sides of the House, are not. I reject that idea. I trust hon. Members to take the right collective decision. Yes, we will look for our own constituency first. Of course we will.

Mrs Miller: Will the hon. Gentleman give way?

Christian Matheson: Will the right hon. Lady indulge me a moment?

To go back to parliamentary approval is to provide a safety valve, so that the collective overall proposals are not daft or unworkable, and so that they have relevance to the communities they serve. That must be at the back of the minds of the commissioners—otherwise we end up with the Devonwall and Mersey Banks constituencies, where the numbers are all that matter, irrespective of the communities.

Mrs Miller: I note from the hon. Gentleman's CV that we share the same university background, so I hope his notes about academics do not stretch as far as the London School of Economics. That would not be a good thing.

The hon. Gentleman makes an important point. In the vast majority of cases, in my 15 years as an MP I have rarely questioned the motivations of individuals here. However, can he explain the comment made by one academic in evidence about the decisions in 1967 not to accept the boundary review? There was a strong indication there that it was a question of political gerrymandering—I will use that word, although I am not sure whether that is the right context—or certainly a little sleight of hand. Now, because of the process that we have in place and the blocks that are there, we are using boundaries that are 20 years out of date. How, then, can he advocate the status quo? It is not working.

Christian Matheson: I think it was in 1969, when I was one year old, so my memory of the politics of the time is not, perhaps, good. Maybe there were political considerations within the Wilson Government at the time.

Mrs Miller: It was Wilson.

Christian Matheson: Yes, the Wilson Government in '69. I ask the right hon. Lady what the difference is between political considerations at the end of the process and political considerations at the start of the process, when the criteria are set out. We have to get the balance right. That bookending with a return to Parliament is a good thing.

Alec Shelbrooke: The hon. Gentleman mentioned setting out criteria for setting the boundaries. That is what the Bill does, and we will vote on it in Committee and on the Floor of the House. Once the Bill is passed, the criteria will have been set, so we will not have removed parliamentary oversight and given it to the Executive. The House of Commons and the other place will vote on the criteria being set out.

Christian Matheson: The right hon. Gentleman is right, and that is the nature of parliamentary democracy, but it is also true that at any one point—in the past few years it has tended to be the exception rather than the rule, but we are now back in the rule again—one party has a majority and can drive through its preferences for the criteria. Later, I shall pay tribute to the Minister for showing some flexibility on the matter, but the fact is that the criteria are set by the majority party. That is why there is politics at one end and politics at the other. We have to recognise that.

Let me come back to the issue of the safety valve. I want to respond to something that the right hon. Member for Basingstoke said in her speech, when she talked about inappropriate political interference. Let us be clear: my party did not want the reduction from 650 to 600 seats; I do not think that the nationalist parties wanted it, nor did the majority of Conservative Members, including—I suspect—a majority of those on the Government Front Bench. I do not know whether it counts as inappropriate political interference, but the reason those changes did not go through was that there was not automaticity at the time, and hon. Members simply did not support the change. They would have voted for it on Second Reading, but that is very different, particularly for Government Members.

Let us talk about the practicality of that: it is very different for Government Members to vote against something on Second Reading and then have private conversations, which we all know go on, to make changes.

That is the safety valve that non-automaticity—if I may use that phrase—provides. Bringing that process back to the House of Commons and the House Lords would provide that safety valve. We know about the 1969 event because the history books tell us about it, but such occasions are, largely, very rare.

Normally, the changes would go through, but they have not on the last two occasions because they simply lacked the support in Parliament, for genuine reasons. For example, as the right hon. Member for Elmet and Rothwell said, the view on the Conservative side changed to the idea that leaving Parliament in those conditions no longer stood. Of course, if we had had automaticity, hon. Members would not have had the opportunity to do that, we would have left the European Parliament and we would have been down to 600 seats.

This is not a wrecking amendment; it would maintain parliamentary approval as a safety valve in case the Boundary Commission got the review wrong. During the evidence sessions, we heard the phrase "marking our own homework" about MPs. That is misleading and is not what is happening. As I mentioned to Professor Wyn Jones in the first evidence session, we give the Boundary Commission its criteria; it goes off and does the job, consults, does more of the job, consults more and then comes up with the final proceedings; and then, the process rightly comes back to Parliament to tick the boxes and say, "Have they done exactly what they were asked to do according to the criteria?" There is nothing wrong with that at all.

That is absolutely normal procedure. Anybody who is doing any type of project is given the terms and criteria, and off they go to do it. The people in charge can then come back and say, "Yes, that job is done." There is no desire on this side of the Committee to hold the Bill up any longer, but it is absolutely right that we have final parliamentary approval to ensure that the job has been done properly and that we are able to sell what the Boundary Commission gives us to the communities we serve, so that the new boundaries reflect those communities. I urge hon. Members, particularly on the Government Benches, think of this not as a wrecking amendment, but as one that would maintain Parliament's role and sovereignty in that whole procedure.

Alec Shelbrooke: It is a pleasure to serve under your chairmanship again, Mr Paisley. I want to make a few points about automaticity and why it is worth removing. The hon. Member for City of Chester just made the point that if the change to 600 seats had gone through, that it is where we would be, but we have changed our minds before. That is true for any legislation. No Government can tie the hands of a future Government, who can bring in any Bill they wish. Earlier, I said with a certain flippancy to the hon. Member for Glasgow East that we could increase the number of seats to 700. That does remain an option, of course; any Government can move boundaries or introduce any Bill they want in a future Parliament. Indeed, this Government could do that by tabling an amendment later on.

As the hon. Member for City of Chester said, we were in slightly extraordinary times in the last decade, with coalition and minority Governments instead of majority Governments. That gave the House of Commons a huge amount of power. It also showed that the House of Commons could introduce Bills that the Government did not want, and those Bills went through. It was an extremely powerful time for Parliament. There is still that ability to bring a Bill to stop the boundaries, even with automaticity. With a majority Government, of course, it would probably fall.

Christian Matheson: Members can bring in a Bill, but the Government still have to move the money resolution.

Alec Shelbrooke: Absolutely. As the hon. Gentleman will know, however, the former Speaker showed the House that there is a way to twist everything, so none of these things is insurmountable.

My argument is simple. When we talk about MPs voting at the end, I think the argument is false, because Parliament has always had the ability to vote. I agree with the hon. Member for City of Chester that whether that is at the beginning or end, the Executive in Parliament have that power over what happens, yet it is still a parliamentary process.

Sometimes the arguments we have can seem esoteric to the public. Oddly enough, the boundaries and the reduction in Parliament did cut through to them. We may view this as a technical argument, but it was relayed on the doorstep several times over many years that constituents asked whether the House of Commons would be cut to 600 seats. The connection the public make is that they do not like politicians, and they want fewer of us, but that point did cut through and there was frustration that things had not happened.

I do not like the phrase, "Turkeys don't vote for Christmas." It is flippant. It undermines the thought processes that we give to this issue. There were, without doubt, specific moments—political moments in political history—that stopped those boundaries happening, as people looked at what went on.

At the very start of our proceedings on 18 June, Mr Paisley, you said:

> "I ask any members of the Committee who wish to declare any relevant interests in connection with the Bill to make those declarations now."

To which I chuntered from a sedentary position:

> "Isn't that all of us?"—[*Official Report, Parliamentary Constituencies Public Bill Committee,* 18 June 2020; c. 5.]

It is impossible for us not to have an interest in what will happen to our seats. I do not believe that that is because we need to pay our mortgages. Of course that self-interest comes into someone keeping their job, but I believe it is deeper than that. The hon. Member for City of Chester was elected with a majority of 92.

Christian Matheson: It was 93.

Alec Shelbrooke: I have done the hon. Gentleman out of one vote. He will forgive me if I am unaware of what his majority is now.

Christian Matheson: It is 6,164.

Alec Shelbrooke: I am most grateful to the hon. Gentleman. I do not know him particularly well, but he strikes me as a Member who cares about his community and has built that up. I took on the seat of Elmet and

[Alec Shelbrooke]

Rothwell in 2010, a newly formed seat with a Labour majority of 6,000. My majority at the last election was 17,353.

I have worked that seat, day-in and day-out, with each of my constituents, not because I am trying to secure my job, but because I love my community and working for my constituents. I have lived in my constituency my whole adult life. There is, therefore, an emotional tug on a seat that has 81,000 people and would absolutely have to change with these boundaries. Even if the later amendment of 7.5% went through, the seat would still have to change.

I doubt there is an hon. Member in this room who wants to give up part of their constituency. As the hon. Member for City of Chester says, we do care. We are in it for the right reasons. We want to represent our communities. Many of us—like myself—have lived in our communities throughout our adult life, and it is a matter of pride and honour that we represent them.

I get great joy—not for any narcissistic reasons—from the fact that when I am shopping in my local town, about 5 miles from where I live in my constituency, people come up to me all the time and ask me things. That is not narcissism; it is the fact that I am their representative, and I always wanted to be somebody who they could come up to and speak to.

David Linden: The right hon. Gentleman is making a thoughtful speech, talking about the conflict of interest faced by Members of the House of Commons. Does he intend to touch on the fact that their lordships also have a degree of approval, and do not have that conflict of interest? If we go ahead with automaticity, their lordships will not have parliamentary approval either.

12.15 pm

Alec Shelbrooke: The hon. Gentleman is a very thoughtful man: he has got on to my very next sentence. Perhaps controversially, I would do away with the House of Lords as it stands anyway, because I hate the place. We are a modern democracy, but it is an absolute disgrace that only two Chambers in the world—those of Iran and China—have more unelected clerics than we do, or more unelected legislators. We do not keep great company in that sense.

David Linden: To clarify, I believe the Isle of Man also has unelected clerics, so we are not in completely bad company. That is a constitutional history point.

Alec Shelbrooke: I said the size—the number.

John Spellar: Will the right hon. Gentleman take the opportunity to assure the Committee, and therefore put it on the record, that at no time in the future would he accept a place in the House of Lords?

Alec Shelbrooke: I can give the right hon. Gentleman the same assurance on that issue that all Labour leaders have given. *[Laughter.]*

John Spellar: So that's a yes?

Alec Shelbrooke: I am losing track now.

The Chair: We are on clause 1.

Alec Shelbrooke: I am grateful to the hon. Member for Glasgow East, because this is a serious point. We are moving approval to an unelected body, which is a strange mix of parties and balance. A load of appointees will be going to the House of Lords, and there is going to be an argument about which party is getting the most—it is a very unrepresentative body. It would be way outside the scope of this Bill to discuss Lords reform, but the problem has always been that there are 650-odd MPs who think the House of Lords needs to change, and 650 different ideas about how to do it.

The House of Lords has a role in this Bill. The Bill is setting the criteria, and it is going to the other place, where it may well get amended. It will then come back to the House of Commons, and this House will vote on it. Funnily enough, I never had a problem with the amendments passed during the Brexit debate in the House of Lords, because they were irrelevant: whether they were accepted was up to the House of Commons. People got excited about what the House of Lords was doing, but it was an irrelevant argument, because its amendments had to be accepted by the House of Commons. That is where the power lies; that is what went on. The Lords is a revising Chamber, and it may frustrate us sometimes or we may have ideological views about it, but it still has its role in this Bill.

This comes back to what the hon. Member for City of Chester said about whether the politics is at the beginning, or at the end. The answer is that it is at the beginning. The House of Commons could bring in a one-line Bill to stop this later on—that power remains with this House—but it is right that we move this process forward. If we are all honest with ourselves, the vast majority of people sat in this room are nervous about what is going to be put to us in September 2021 when the first report comes out, and about how our representations will be received in June 2022. That is the nature of human beings: people think that politicians are not like other people, but of course we are, in every respect. However, we fight for our communities not because we are worried about our jobs, but because that is why we went into politics. We all therefore ask ourselves, "Do I want to see a chunk of the community I have represented for such a long time disappear?" When that happens, it is heartbreaking.

Mrs Miller: My right hon. Friend is correct that we all fight for our communities, but we should be doing so on a fair footing. The assertion of the hon. Member for City of Chester that the current system is flawless is simply not borne out by the facts. I have been doing some gentle maths on my Order Paper, and I think my hon. Friend the Member for Newbury and I top the charts with 83,000 constituents in our patches—constituencies that are 50% bigger than that of the hon. Member for Ceredigion. Obviously, there are important reasons that things in Wales have been done in the way they have, but that does not mean we have to continue with them now. We missed out a round of reform in Wales that is long overdue.

Alec Shelbrooke: I thank my right hon. Friend for those comments.

Ben Lake (Ceredigion) (PC): The right hon. Gentleman made a very good point earlier about representation and what it means, and the importance of working the patch. I agree with the point that the right hon. Member for Basingstoke made about the different nature of our constituencies. I would point out, however, that during the summer months the population of my constituency doubles, in part because of the very large proportion of second homers. When they come to me, they have an address in my constituency. I do not ask them whether they are registered to vote in Ceredigion; I serve them, because they have come to me for help. I make that point as a note of caution. We should bear in mind that more factors are at play than purely the electoral register.

Alec Shelbrooke: I am grateful to the hon. Gentleman. That moves us on to clauses and amendments later in the Bill that we will be able to debate further. My constituency is a county constituency. I am in the city of Leeds, but the other seven seats are borough constituencies, so it is not fair to compare me directly. There is some argument over how big Leeds Central is. It varies from 78,000 voters to 94,000 because it has such a transient population. However, the seat of Leeds East has only 66,000. I know that some Opposition Members might not particularly miss the seat of Leeds East today, but I will not ask them to comment on that. Those are the differences in just one city, among neighbouring seats. Leeds West, on the other side, is a different size to Leeds North East. Seats vary hugely within just one city by tens of thousands of votes, not necessarily just a few. However, I take on board the hon. Gentleman's point.

I have two final points to make. The right hon. Member for Warley mentioned the OSCE report earlier in his point of order, and I picked up on it as well. The report says that

"making members of parliament (MPs) accountable to their electorate and creating a link between the MP and voters…is undermined when MPs know that they will acquire new voters with new constituencies before each election."

I do not necessarily agree. I think that we are honourable enough to represent the people we represent right until the end. I am sure that everybody in this room, as soon as they are elected, pays no regard whatever to the voting intentions in areas of their constituency. I have worked every single area of my seat, which had a traditional mining area. The village of Allerton Bywater was a colliery. It was at the frontline of the miners' strike. I stood in local government for it in 2002 and received 8% of the vote. In the last general election, I received 52% of the vote. It changes. We go in and work an area, and none of us takes any of our constituents for granted.

I therefore think that that is a slightly disingenuous comment, but it points to the fact that at some point things have to happen, and political events may happen towards the end of a Parliament. If we want just to delay the change and kick it forward, we are running into the fact that we could say, "Let's have it come into effect straight after a general election, so that we all know what we're doing next time and there's time to adjust," which plays into that argument. When is a good time to do it? From our point of view, I do not think that there is one. There is an automaticity point here.

I understand the amendment that Opposition Members have tabled; in fact, I think that the hon. Member for City of Chester made a very reasoned and well placed argument. My view, though, is that we have not removed Parliament's ability to have its say in the process for two fundamental reasons. First, Parliament is having its say at the very beginning, in the criteria laid out. Secondly, there is still nothing really—we can argue about technicalities, but they have all been overcome in the past two or three years—preventing Parliament from stopping the change, if it wanted to, before it came into effect.

John Spellar: It is a pleasure to serve under your chairmanship, Mr Paisley. It has been a very instructive debate. It is very interesting—in some ways encouraging—to see that experts are back in favour in the Conservative party, after a period in which they were castigated, belittled, abused and reviled. Academics and no doubt judges will soon be back in the pantheon. However, I do not think that creating a series of new priesthoods of those who can lay down divine, unalterable and unchangeable wisdom is right in a representative democracy.

It is absolutely right that there are checks and balances within the system. As my hon. Friend the Member for City of Chester said, academics give views and those views can be challenged on the evidence that they have produced. But they all end up being advisory, and they all end up getting commissions for local government or boundary commissions, or from other bodies. In the same way, academics in transport had lots of views when I was a Transport Minister. None of them were living on their university salary: they were all doing commissions for different bodies. It may or may not have had some influence on their views.

Alec Shelbrooke: I wonder whether the right hon. Gentleman agrees with me, though, that one of the strengths of what we do at the Committee stage with the line-by-line analysis is to also act as a guide to the deliberations that have taken place and the arguments that have been put forward, for those who may independently be on the panel.

John Spellar: That is a very fair and effective point. There also needs to be a check, therefore—they know that there will be a check further down the line, and that they do not ignore those guidelines or indeed ignore the realities on the ground with complete impunity. In a minute I will come to why we saw that happen, and talk about the history of the last ten years and why boundary commissions failed on two occasions.

I must divert briefly from the matter following the intervention from the right hon. Member for Basingstoke, who had clearly prepared her comments about the OSCE, or maybe she came in after I raised the point of order at the beginning of the sitting. "The Code of Good Practice in Electoral Matters" clearly states that the

"maximum admissible departure from the distribution criterion…should seldom exceed 10% and never 15%, except in really exceptional circumstances".

Therefore, it does not prescribe mathematical equality, nor indeed straining the system in order to achieve that mathematical equality.

Mrs Miller: The right hon. Gentleman will, if he looks back at what I said, see that I was talking about the principles set out in that report from that organisation, which explicitly say that deviation away from equality

[Mrs Miller]

undermines suffrage. It is, of course, an international organisation so it is perhaps having to deal with many sorts of democratic systems, but I was referring to that principle.

John Spellar: Actually, if I look back at the earlier clause for which that was a note, it was referring to constituencies that had 10,000 eligible voters and another one with 100,000. The OSCE was not referring to the circumstances described when it said such situations should be avoided. But it laid down clear parameters, recognising that there would be all sorts of reasons in all sorts of countries for having a reasonable range in order to deal with ethnic or religious divisions—as it pointed out—as well as geographical factors in other areas.

I will move onto the issue of what is the mischief that actually the legislation seeks to remedy. That comes down to how we got here. Everyone accepts that population changes. Nobody—except perhaps some Conservative Members on the other side of the Committee—would want to go back to the Old Sarum system in which a dozen voters had a vote while the populations of the great growing urban areas of the 19th century were unrepresented. Obviously, therefore, we need to recognise population movement that is probably greater now than it was previously. Frankly, we got into this position because of a shallow and superficial gimmicky decision by the previous Prime Minister, David Cameron, for a strapline of saving money by cutting the number of politicians. We have, in fact, been representing far more constituents. In fact, we represent far more constituents now than at any other time in British history. He got a cheap headline, and some people may have bought it, but it was absolutely irrelevant in terms of GDP and Government spend. However, that then imposed huge constraints on the boundary commissions.

12.30 pm

The fundamental problem was not opposition by the Labour party, but the massive opposition from the Conservative party, not just among Members of Parliament but among many of its county associations. So in spite of having done a cosy deal with Nick Clegg to have a referendum on proportional representation, the Liberal Democrats backed away and the Government could not get it through because it was not necessary disruption.

I say that as someone whose seat of Warley West was cut three ways in the boundary change before the 1997 election. One part went into a marginal seat, one part went into the seat of the then Speaker, Baroness Boothroyd, and the other part went into Warley East to form the new Warley. I assure hon. Members that it was not exactly great fun, but it was necessary to deal with population change.

What was proposed by the boundary commission, however, was gratuitous and unnecessary, and was seen as such. It was therefore rejected by Members of Parliament. There is mention of marking one's own homework, as though one could say, as a Member of Parliament, "I veto this policy because it does not suit me in Warley." That is not the situation. The situation is whether it affects the great majority of MPs adversely, unfairly and in a way in which they and their constituents find unacceptable. That is what we ought to be looking at, which is why it would be more sensible for the Government to bring forward changes to reflect that, but that is part of a future debate.

What we are discussing here is why we hand over to a commission. I assure Committee members that, absent the constraint that it has to be acceptable to Parliament, the bureaucrats will look at just numbers, not community or geography. The constituencies that were created last time were absolutely bizarre shapes.

Mrs Miller: The right hon. Gentleman is advocating the current situation as if it is some utopia. Can he explain why anybody should be happy that he has a third fewer constituents than I do in my constituency? If he is looking for checks and balances if the boundary commission or its advisers abuse their position, surely they are that the House of Commons can change the legislation in future if the situation is abused. I have to say, there is more evidence that it has been abused under the current situation, and he is advocating to keep it that way.

John Spellar: I must repeat what I just said: everybody accepts that population change, growth and reduction, urban clearances and so on have an impact. That has changed somewhat, because the traditional pattern was that slum clearances in the inner cities meant that people moved to the suburbs and, subsequently, to the fringe towns. I expect that is what is happening in the constituency of the right hon. Member for Elmet and Rothwell. Everyone accepts that that takes place.

It was the actions of the former Prime Minister—first, in attempting to reduce the number to 600 and secondly, proposing to change the margin of variation to 5%—that created an unacceptable framework, which then created completely unrecognisable constituencies that completely lacked community. The borough of Sandwell would probably have gone down to three seats.

The other problem is that the rigid mathematical formula, along with no imagination from the boundary commission, creates a huge number of orphan wards. Those are areas that are parts of someone's constituency but have no connection with the rest of it. Inevitably, the Member then focuses on the bulk of their constituency. That is not good for democracy.

Christian Matheson: I thank my right hon. Friend for giving way. He is right about the orphan wards. Does he share my concern that the right hon. Member for Basingstoke, in her intervention, accidentally conflated two interpretations of the phrase "current situation"? One is the current situation regarding the current introducing of boundaries and the other is the current situation regarding the process we follow to get there and, at the moment, the current situation includes a parliamentary approval. She mentioned in her intervention the different sizes of constituencies. We are not suggesting that we object to that, but there is a conflation here that might confuse the Committee.

John Spellar: I very much take my hon. Friend's point. Fundamentally, the parliamentary approval finally acts as the constraint on the Executive, but also on the bureaucracy. I do not believe in this, as in so many other

areas, we should just hand over decision making to the great and the good. Academics and lawyers have a proper role: they should advise. Quite apart from their role in a judicial capacity in trying cases, their views should not be unchallengeable. As I said earlier, I thought that view was quite fashionable in the Conservative party, but that may have changed.

One could do away with the whole problem. One could have a national list and, just as in Israel, whatever the percentage of votes are achieved, that is the number of seats given. I happen to believe very strongly in the constituency link. I happen to believe in individual constituencies and the Member's link to those constituencies, representing their local interests and views. In the last election, we saw very different patterns across the country. Those regions and towns were represented. That is why it is important we try and keep those together.

Finally, one of the experts referring to the question of local links rather disparagingly said that very often they were political points dressed up as constituency links. There was some truth in that, although I think he was far too disparaging of constituency links and relationships. Equally, we are seeing that in the debate we are having. There are some political elements in this, as we are seeing with the 5%. Also, as in clause 1, there is a slight anomaly here. In 2031, the report will have to be in by 1 October and every eighth year after that it is 1 October, except in 2023 when it is 1 July. One therefore has to question whether there is an interest—I give way to the vice chair of the Conservative party.

Alec Shelbrooke: The right hon. Gentleman has given me a good smile this morning. For that to come into effect, there would have to be a vote of the House once more, because we are still under the Fixed-term Parliaments Act 2011. Once again, I hear what the right hon. Gentleman is saying, but again, it would have to be a decision of two thirds of the House.

John Spellar: The cat is out of the bag.

Christian Matheson: Meow!

John Spellar: Not one denial that this is a change that is designed after, presumably, not a two-thirds majority but a simple majority of the House to do away with the Fixed-term Parliaments Act 2011. I think it is part of their programme to put through that legislation and then call a snap election in October, rather than in the following May, which is scheduled in all the other legislation.

Alec Shelbrooke: I thank the right hon. Gentleman for promoting me way beyond my humble Back Bencher status to being able to control the date of the next election. It still comes down to a fundamental point that all of these matters rest on a vote of the House. It comes back to the point that I made earlier: we are voting in this Committee on setting those parameters. It does not usurp the will of the House at any time, because the Bill is in Committee, it will go through both Houses, and it will come back. Whatever the political naughtiness may be around the discussion, it will always come down to a vote of the House.

John Spellar: Mr Paisley, I am prepared to end by conceding that there is clearly political naughtiness, and it is very much contained in clause 3(2).

Shaun Bailey (West Bromwich West) (Con): It is great to see you back in the Chair, Mr Paisley. As a relatively new Member of the House, I am quite nervous about following some of the right hon. Members who have spoken. I do not know whether I will quite be able to hit the bar, but I will give it a go.

Given that six months ago I probably did not anticipate being here, potentially putting myself out of a job is an interesting proposition. I wish to touch on some of the points made by my right hon Friends the Members for Elmet and Rothwell and for Basingstoke. I must apologise to the latter—I have been referring to her as my hon. Friend, and have not paid tribute to her membership of the Privy Council. They made some interesting points on self-interest. As my right hon Friend the Member for Elmet and Rothwell said in the first evidence session, we all have a self-interest because we all want to represent the communities that have put us here.

That notion of community is interesting. My neighbour, the right hon. Member for Warley, made the point in the first evidence session that Government Members might not understand communities quite as much because of our sprawling rural seats. If he can find some sprawling rural parts of Sandwell that he wants to take me to, I would be more than happy to meet him there.

Christian Matheson: What about the country park?

Shaun Bailey: That is not in my patch.

John Spellar: It is in the east.

Shaun Bailey: It is in the east. It is an interesting point, because we are put here to represent those communities. In a way, it is a weird dichotomy because those communities are our self-interest, and we want to make sure, ultimately, that they have the best level of representation.

Parliamentary scrutiny is at the core of this, and it is the contentious point. If history has shown us anything, can we really call what we have seen over the past 50 years proper parliamentary scrutiny? Really what we have seen is an attempt by this place to kibosh any sort of review or change to the boundaries. I know we keep harking back to 1969 and to the historical boundary changes, but the pattern that we see speaks for itself. This has been going on for 10 years. In the vein of trying to get things done—as we said in December—now is the time, given that we have talked about the matter for a decade, to finally get some movement on it.

The hon. Member for Lancaster and Fleetwood and others asked whether judicial-led boundary commissions would be truly independent. My right hon. Friend the Member for Basingstoke asked a representative of the Liberal Democrats in our first evidence session how politicians directly influence judicial-led boundary commissions. Surprise, surprise, no real answer was put forward.

We cannot do down the importance of the judiciary in our democracy. It is one of our three pillars of Government, and of our democracy. I have heard the arguments that we do not want the process to become one led by technocrats. We have had a debate over the past four years, as we have been trying to leave the European Union, about the role of technocrats in our

[Shaun Bailey]

democracy. However, we must look at how communities engage with this matter, particularly the aborted reviews of 2018 and some of the stories that we have heard.

I remember being told an anecdote about the proposal to join Halesowen with Selly Oak. The story was as clear as day: the hearing was going on, and a gentleman walked in off the street and articulately explained, for a good part of 10 minutes, why the Black Country is not Birmingham. In the end, that led to the commission changing its view. We cannot underestimate the role of the public, whom ultimately the Bill exists to serve, and who ultimately are the subjects of the Bill, in forming and shaping it.

12.45 pm

I understand the point that we are a representative democracy. We are sent here to represent the views of our constituents and to ensure that their voices are heard.

The hon. Member for City of Chester used the analogy of the supervisor of a PhD, which was a timely way to try to mould the argument together. I slightly disagree with his analogy, because in my experience of doing a master's degree, the supervisor sets the parameters for what we do, but they certainly do not mark the homework afterwards. That is sent off to an independent third party to do the review and then we go on to a viva. I understand the point he was trying to make, but it does not really fit the analogy. What we are trying to do here is similar: we set the parameters and say, "This is what we are trying to do." We can debate that, as we are now, and we can do so again. That is the privilege of this place. We can amend and change things if we find something does not work. The Opposition say the issue is that we cannot change this.

John Spellar: I ask the hon. Gentleman to reflect on the proposals of the previous boundary commission, which wanted to take one seat from the middle of Halesowen right the way through past Birmingham, Selly Oak almost to the Birmingham-Solihull border. Another proposal was to run through my constituency right the way through his and then through to Dudley town centre. I am sure he will accept that there is very little commonality between those various constituencies. Indeed, most of our residents have very little dealings with the borough of Dudley and vice versa.

Shaun Bailey: The right hon. Gentleman makes a good point. I used the example that he raises with respect to the Halesowen and Selly Oak seats because of the interaction of the public, and it was changed. Yes, he is right, and that is why the public came forward during those hearings to put their points across. He knows as well as I do that the Black Country is not Birmingham. That is the point raised particularly in our patch time and again. I absolutely hear his point. We have seen those anomalies; I do not disagree with that. However, we have to trust the process and trust the public to know their communities. I am sure he will agree that our residents in Sandwell absolutely know their community.

John Spellar: To reinforce the hon. Gentleman's point, the Black Country is not Sandwell and not Birmingham, even though people outside think it is, yet that was not recognised by the boundary commission, which stubbornly refused to accept it. That is the difficulty. There is arrogance and ignorance, frankly, in many cases, and there needs to be a corrective mechanism.

Shaun Bailey: First, I accept the point that the right hon. Gentleman raises about the boundary commission not understanding communities, but with representations from those communities those points are then corrected. The issue of Halesowen was raised with the boundary commission at the last minute and it was corrected.

Mrs Miller: I am listening very carefully. As somebody who was born in the Black Country, I am astonished that anybody would ever think that it was possible to conflate those two communities. I have listened to my hon. Friend's thoughtful speech. It is important to remember that the legislation gives pre-eminence to equality of constituencies. Everything he talks about is important, but it is really important that equality comes first and foremost, with community ties coming after that. Whatever we might say in this debate today, constituency boundaries are an artificial construct. Their nature is by definition artificial, and we have to make sure that they do not overwhelm the need for more equality as between constituency sizes.

Shaun Bailey: My right hon. Friend is, of course, absolutely correct in her analysis. Although equality is obviously the foremost consideration, it does not eliminate those links with communities either. I think she definitely said that in her contribution. She has made the point time and again. I represent a seat with 65,500 constituents and she represents a seat with 83,000. The figures speak for themselves, so I do not think I can add to what my right hon. Friend has said.

Chris Clarkson (Heywood and Middleton) (Con): I want to pick up on the point made about the review allowing local input. The hon. Member for City of Chester described the notorious case of Mersey Banks, which was corrected after a review. Furthermore, to pick up on the point made by the right hon. Member for Warley about the lack of imagination of the boundary commission, does my hon. Friend agree that if the Boundary Commission for England were willing to take the same approach as, for example, the Boundary Commissions for Scotland, for Wales and for Northern Ireland, where wards can be split, that would correct some of the more eccentric seats that have been come up with?

Shaun Bailey: My hon. Friend makes a fantastic point on these matters in his usual expert way. We cannot treat this exercise as arbitrary; we have to give the commission some credit. It has intelligent people, who have a degree of imagination about what they can do within the scope of these rules, and they are boundaries or guidelines; they are not so arbitrary that there is no room for manoeuvre, which I appreciate is part of the argument that Opposition Members are making.

I will try to round off my comments as quickly as I can.

David Linden: The hon. Gentleman will be aware of amendment 10, which I tabled. He is speaking powerfully about the importance of the boundary commission's work, in particular its hearings, so will he support amendment 10, which would lift the limit on the number of hearings that could take place?

Shaun Bailey: I say to the hon. Gentleman that I am in the process of considering how my support will go; I will not pin my colours to the mast right now.

Christian Matheson: Pin them! *[Laughter.]*

Shaun Bailey: First, I will listen to the arguments that the hon. Member for Glasgow East makes, because I do not want to deprive him of the opportunity to articulate his points in the way that only he can. So, we will see what happens when we come to that amendment.

I will simply say that we come to this issue with a degree of self-interest—we all do. Historically, this place has not been the best at balancing the boundaries and making sure that there is equal and fair representation. The parameters that we are setting are flexible enough to ensure that the boundary commission can show some imagination, and we cannot do down the inputs from communities if we are to be sure that these new constituencies are accurately representative of the areas that people live in. Also, we must give credit to the independence of this process. We have yet to hear a really strong argument as to how the independence of these judicially-led bodies can be compromised.

I will round off my comments there.

Clive Efford (Eltham) (Lab): I apologise, Mr Paisley, for missing part of the debate, but I was in the main Chamber for business questions and came here as soon as I could.

I sympathise with the idea that we should set the parameters for this process, and then remove the politics from it and allow a clean process to come to its conclusion. That is a very attractive proposal and it is easy to see the strength of that argument, on the surface. However, when we listened to the evidence from the experts, one of the things that came across absolutely clearly —I should say that I am speaking in favour of the amendment—was that they do not understand the role of parliamentarians and they do not understand the relationship that parliamentarians have with their constituencies. That came out loud and clear, even from those who were more sympathetic to the argument that place is important in people's minds in how they vote.

My fear grew as I listened to the evidence that if we hand this process over to bureaucrats or academics, in the absence of understanding of that relationship between MPs and the communities they represent, and of the affinity that MPs develop with those communities, we will end up with a mathematical exercise. We have set the parameters at 5% and basically we just draw rings around the population across the country 650 times, and then we will satisfy the criteria. And by the way, within that, we will do a bit of manipulation to try to meet some community needs.

For me, that hits fundamentally at the heart of what the democratic process is all about. I mean, the origin of politics is the marketplace—the agora—where the popular view would prevail. That is really where the roots of democracy lie. What happens in that marketplace—in that common place within a community—is that people discuss and debate matters, and express views about their common experiences. And eventually, they come to a collective view.

To look at what happened at the last election, in many communities up and down the country, people were sick and tired of being left behind and felt that their communities were forever in decline while others were benefitting from being part of the European Union, the globalisation of the economy or whatever it was. Collectively, they came to the same conclusion and there was a seismic shift within those communities.

That shift moved against the Labour party in what have been called the red wall seats. Some common experience within those communities caused a large body of people to come to a collective view. Place and common experience are important factors in the way people form views about how they want to be represented. To undermine the connection between place and the most common experiences of the community hits at the root of the democratic process.

Chris Clarkson: The point about place is fair and important, but the reality is that even under the current boundaries there are many seats that simply do not represent a cohesive or coherent grouping of population. I look at my own constituency, which is one of the red wall seats. I have Middleton, which is Manchester-facing; Heywood, which is Lancashire-facing; and a third of the town of Rochdale, where the people are deeply embittered about the fact that they are not in the Rochdale constituency. Whatever process is used, there are going to be some communities that are either split, orphaned or combined with areas they do not necessarily look to, purely because of the electoral mathematics and geography. Does the hon. Gentleman accept that?

Clive Efford: Yes, there has to be, within this process, some degree of equalisation as to the weight of people's votes and we have to try to achieve that as much as possible. I am arguing that, within that, we have to respect the importance of place, location and community in the democratic process. If we start to pick those apart just to meet a numerical requirement, we will diminish and undermine the ability of those people to seek representation that makes their views known collectively—how they feel about their area and their collective experience—through a democratic process. It is important that we understand them.

Why I feel that this is important comes back to us. I will move on to that point further this afternoon, but it is about how accountable we are, for what we do, to our communities. That was dismissed in the evidence we had from the experts. They did not value or feel that we value the views of our constituents. Actually, that is how we get re-elected. If we ignore our constituents, we will find ourselves unemployed very quickly. We have to show, as much as we humanly can, that we are listening and sympathetic, or empathetic, to the views of the people we seek to represent, and that we will take those views and seek to get answers. Even if we cannot get the answers that they want, we will get them a decent answer to the questions they are posing. That accountability of MPs to their communities is important.

[Clive Efford]

In this process, we are accountable too. We cannot just go to a boundary commission and say, as one former Member of Parliament for my constituency said once, although not to the commission itself, that it would be fine to draw a line down the middle of Eltham High Street. The constituency goes into Bromley on the south and Greenwich on the north. People in my community were up in arms that our community should be divided between two constituencies in that way and that the integral centre of our community—the High Street—should be divided.

People value place. They feel that it is important that representation bears some resemblance to place and takes into account the entirety of the community, and its common characteristics. That is an important process. If I were to advocate such a split, at the election I would not expect many people who valued the area to vote for me. If I was going around saying, "Well, it doesn't really matter. Draw the line at the High Street. It's all fine," it would not be fine. The hon. Member for Heywood and Middleton has rightly pointed out that we represent many communities. My constituency could be called Eltham, Plumstead South, Shooter's Hill, Charlton South and Kidbrooke. Many different communities and villages have come together in the conglomeration of the suburb of south London. People do identify with those areas. I could even add Eltham Heights and New Eltham; I could name every street.

1 pm

My point is that the local people identify with those areas and they recognise that that is a collective community that requires representation. If we do not respect that in the way we make representations to the boundary commission, we will be held accountable. People will recognise that we did not defend those communities and show recognition, or value that community as an integral, identifiable place with common characteristics that should be kept together.

We are accountable for what we do. People will look at that and say, "Well, you didn't think much of us at that point in time, so why should we vote for you now?" We must pay attention to what we say and be careful about it, especially when it comes to something as important as drawing up a parliamentary constituency boundary.

Jane Hunt: Does the hon. Gentleman agree that MPs have the opportunity, as equals with anyone in their community, to make a representation to the boundary commission when it is drawing up its ideas and through the consultation process? Does that not give equal opportunity to everyone in those communities, including the MP?

The Chair: I encourage the hon. Gentleman to get to the finish line.

Clive Efford: I think you are asking me, Mr Paisley, to give us the opportunity to break for lunch. Is that right?

The Chair: I am encouraging you to finish your speech.

Clive Efford: In response to the hon. Lady, yes, I do agree. We do have that opportunity. But we must also ensure that when those final decisions are published—following the rules that we have set in train to review parliamentary boundaries—that comes back before us, so that we can ensure that the views of our communities are expressed and the rules we have set have been followed. That is the right of Parliament. We are accountable to the people who elect us. The people who decide the boundaries must be accountable, ultimately, to Parliament.

If we start to undermine that process, we will go down a slippery slope. That does not mean each individual MP will get their own way, but it does mean we must hold people to account for the processes that we set in train. That process must come back before Parliament.

I do want to continue, Mr Paisley, but should I pause there?

The Chair: You can try to catch the Chair's eye at the beginning of the afternoon sitting.

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

1.3 pm

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

PARLIAMENTARY CONSTITUENCIES BILL

Sixth Sitting

Thursday 25 June 2020

(Afternoon)

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

not later than

Monday 29 June 2020

The Committee consisted of the following Members:

Chairs: † Sir David Amess, Ian Paisley

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

Sarah Thatcher, Rob Page, *Committee Clerks*

† attended the Committee

Public Bill Committee

Thursday 25 June 2020

(Afternoon)

[Sir David Amess *in the Chair*]

Parliamentary Constituencies Bill

2 pm

The Chair: Before we start our proceedings, let me say that it is warm, which I am not complaining about, but the air conditioning does not work, so I have asked for fans. We have umpteen fans in the building, but we cannot get them quickly. I would go to the cupboards myself and get them out, but hopefully they will arrive. If Members want to take off their jackets or do whatever else they wish in order to be comfortable, so be it.

When we adjourned, Mr Efford was on his feet.

Clause 1

Reports of the Boundary Commissions

Amendment proposed (this day): 2, in clause 1, page 1, line 5, leave out subsection (2).—*(Cat Smith.)*

This is a paving amendment for Amendment 5, with the aim of maintaining the status quo of parliamentary oversight within the boundary review process.

2 pm

Question again proposed, That the amendment be made.

The Chair: I remind the Committee that with this we are discussing the following:

Amendment 3, in clause 1, page 1, line 14, leave out subsection (4).

This is a paving amendment for Amendment 5, with the aim of maintaining the status quo of parliamentary oversight within the boundary review process.

Amendment 4, in clause 1, page 2, line 16, leave out subsection (7).

This is a paving amendment for Amendment 5, with the aim of maintaining the status quo of parliamentary oversight within the boundary review process.

Clause stand part.

Clause 2 stand part.

Clive Efford (Eltham) (Lab): Thank you, Sir David, for calling me again to continue my contribution. I was saying that it is very important for us to have accountability in this process, and some oversight to make sure the rules have been followed.

I will give an example, which does not come from a parliamentary boundary review but from a local government boundary review that happened in my borough. The commissioner took it upon himself to make every ward come within a very tight percentage plus or minus. There were no requirements within the rules for that; it was a self-imposed ordinance that he decided he was going to follow rigidly, despite local protests. What ended up happening was that one of the wards, which had roughly 10,500 residents, was given 12 properties that were on the other side of the south circular and the other side of a large green in order to come within that tight number set by the commissioner—a limit of 3% or 5% that he had set himself, not the limit within the rules, which was 10% plus or minus. These 12 houses, which had no connection at all to the rest of the ward apart from being in the same borough, were forced to be part of that ward. That is the sort of decision that requires people to come back and say, "Wait a minute, what is going on here?" We need to have some oversight of decisions such as those, which is a good reason why we should not just set this in train without being able to oversee the conclusions that the officials and academics have drawn up.

When we were going through the process of reducing the number of MPs, a lot of people were opposed to that proposal. Let us be clear: it came after a period when MPs had been vilified because of expenses, and two very young, new leaders of their parties decided to jump on to that bandwagon and start kicking MPs. "We are too expensive. There are too many of us. Let's cut the cost of politics. Let's cut the number of MPs." It was an act of populism, and a very successful one, with those leaders trying to capture a political mood because they wanted to remove the Government of the time.

What came out of that was a proposal to go down to 600 MPs that had no basis in any science, or any review that had taken place; it had no basis in anything apart from the whim of these two young, ambitious politicians. It was a figure that was plucked out of the air and thrown into manifestos, and we were then lumbered with it. Of course, the Whips then came into play, and we ended up with legislation to reduce the House of Commons to 600 MPs and had to go through that process. Once MPs had looked into the abyss and saw what it all meant, Parliament came to its senses very quickly. I never supported that proposal, but when the first boundary review was released—we had two—I came out all right. I would have had quite a safe seat, with that review only adding a bit to my existing constituency, but I still opposed the proposed changes in principle.

The second review did not go so well. The problem was that the boundary commission started its deliberations in south-east London by saying, "The numbers in Bromley borough come to exactly three constituencies that can be coterminous with that borough." That was their starting point, and the rest of south-east London had to fall into line. That was a huge problem, and during the first review, local arguments managed to convince the boundary commission to change its mind.

The second time around, the same arguments were applied and the boundary commission came out with a set of proposals. Those went out for a second round of consultation, and then somebody who had nothing to do with all the local arguments and comments came up with a mathematical equation. They did the whole of south-east London on three pages of A4. Lo and behold, because that proposal was very close to the boundary commission's original proposals, the boundary commission flipped right back and we had a major upheaval in my part of south-east London. The commission did not listen at all to the arguments that had been made locally and had prevailed in two successive reviews of the boundaries until that point.

That is why we need to have a final overview. We cannot just abdicate responsibility for the process and leave our constituents without a voice. No matter how many people are cynical about it, we are accountable for what we say in this process. It is quite right that we, as the elected representatives of those people, should have some oversight of the final outcome, and that the commissioners should be accountable to Parliament for what they have done. The day when we just abdicate that responsibility is a dark one for our democracy.

The Minister of State, Cabinet Office (Chloe Smith): It is an absolute pleasure, Sir David, to serve under your chairmanship, as it was to serve under Mr Paisley's this morning. I shall in my remarks cover clauses 1 and 2 stand part, and amendments 2 to 4, and respond where I can to what right hon. and hon. Members have said.

Clause 1 deals with the timing of boundary reviews and the submission of the final reports by the boundary commissions. First, the clause provides for the next boundary review to take place according to a slightly shortened timetable. The clause sets 1 July 2023 as the date by which the four boundary commissions must submit their final reports. That means that they will have two years and seven months from the review date—the formal start of a boundary review—to complete the process and submit their recommendations. Usually, they would have two years and 10 months.

I will deal straight away here with a point raised by the hon. Member for Glasgow East. He mentioned the question raised by Professor Sir John Curtice about why there should be a difference between the period for the immediate next review that for future reviews. I hate to say it, but there is no great conspiracy. It was set out clearly in the pages of the Conservative party manifesto, which I know the hon. Gentleman will have had as his bedside reading day in, day out since 2019. He will know from it that we have made a commitment to repealing the Fixed-term Parliaments Act 2011. There is no secret. That legislation is inadequate and we are committed to repealing it. I will not go into further detail about that in this Committee—you would not want me to, Sir David—but it squarely answers the point. It is no great secret that according to that scheme there should then be the flexibility for the next general election to be called at the right time after July 2023, which is what is in the Bill.

The purpose of clause 1 is to give the best chance of having new constituency boundaries in place ahead of the next general election, whenever that may come. As witnesses such as Mr Peter Stanyon and Mr Chris Williams of the Green party reminded us, once the recommendations of a boundary review have been brought into effect, it takes some time for returning officers to implement the new boundaries, and for all others involved, including political parties, to make the necessary preparations to field candidates and communicate with voters. So we have to allow for that period before new constituencies will be put into use. It is not a fixed amount of time, but, as a general principle, we aspire to ensure that legislation is in place six months before a poll.. That was discussed in the evidence sessions.

As the Committee is aware, it is over a decade since the results of a boundary review have been implemented. Our existing Westminster constituencies are based on electoral data from the very early 2000s. That means that our current constituencies take no account of today's youngest voters, which is beginning to get ridiculous, nor do they reflect nearly two decades of democratic shift, house building and all the things we want a boundary review to consider. The purpose of the provision in clause 1 is to ensure that the next boundary review, which is due to begin next year, finishes as promptly as possible, without compromising the processes of the boundary commissions, including the extensive public consultation they conduct, which I will make a brief point about. We will discuss public consultation further as we go through the clauses.

The three-month reduction in timetable, in the case referred to in the clause, will be made possible by shortening the sum of the boundary commissions' internal operational processes. In addition, we propose to shorten the public consultation time for the next boundary review only from 24 to 18 weeks. I will address that in greater detail when we discuss clause 4, where that is laid out. I can say at this point that we have tested the proposition—a timetable of two years and seven months—with stakeholders, including electoral administrators, the parliamentary parties and representatives of other parties. There was a cross-party consensus that in this instance the change is beneficial and the right thing to do.

The second change introduced by clause 1 is to extend the boundary review cycle, moving the review from every five years to every eight. The intention here—my right hon. Friend the Member for Elmet and Rothwell touched on this—is to ensure that parliamentary constituencies are updated sufficiently regularly without the disruption to local communities and their representation that might occur if there was a review every election period.

Alec Shelbrooke: Does my hon. Friend agree that, as several colleagues have mentioned, it is really important that the boundary commissions takes notice of what is being said here? Hopefully, they will look at the arguments being made, whatever the outcomes are. It is all about communities and getting it right in the first instance—I refer to the comments made by the right hon. Member for Warley. If they can do that, they can shorten the timeframe and take notice, so communities can stay together.

Chloe Smith: That is very important indeed. I am confident that all four of the boundary commissions have been listening closely to the proceedings of the Committee since our evidence sessions, which they joined, and since then in our proceedings clause by clause. I know they will want to take into account comments made by hon. Members across the Committee, including how we can keep communities together and ensure that the public has that strong voice, which was the point I was making with regard to clause 1.

Clause 1 sets out that in future the boundary commissions will submit their final reports to the Speaker of the House of Commons. Mr Speaker is the ex officio chair of the boundary commissions. The reports will go to him rather than to the Secretary of State, as the commissions do now. The Speaker, not the Secretary of State, will lay the reports before Parliament.

We think that is the right change. It underlines the independence of the boundary commissions—a theme we will return to many times. It is right that the chair of

[Chloe Smith]

those commissions—in other words, Mr Speaker—should receive and lay the reports just as they also currently receive the progress reports made by the boundary commissions. It is also right that the Government's only role is to implement the recommendations without needing to have any hand in the process by which they are submitted.

In summary, clause 1 makes technical but important changes to the conduct of boundary reviews. It sets the cycle of eight years, establishes the Speaker as the appropriate recipient of the final report and shortens the boundary review timetable in the way that I have explained, to give us and citizens the best chance of knowing that what they have asked for—the general election being conducted on the basis of updated and equal constituencies—will happen. For those reasons, I think the clause should stand part of the Bill.

Mrs Maria Miller (Basingstoke) (Con): There was some discussion right at the beginning about whether the Bill gives the Executive more power, but is the Minister saying that it removes the Executive from the process once the boundary commission has started to undertake its work?

2.15 pm

Chloe Smith: I am grateful to my right hon. Friend, because she allows me to move on to the matters in clause 2. They are very important, and she presages what I am going to say.

Clause 2 changes the way in which the recommendations of the boundary commissions are brought into effect. This is the meat of the debate. The purpose of the change is to bring certainty to the boundary review process and give confidence that recommendations of the independent boundary commissions are brought into effect without interference or delay. The boundary commissions develop their proposals through a robust process involving extensive public consultation over a two to three-year period.

The right hon. Member for Warley made a very thoughtful point about checks and balances, and what he called a new set of priesthoods. Aside from the fact that this is not new—this commission has been in existence for many decades, and rightly so—the point that I want to make is this: the public are the check and balance on that body. By way of example, more than half the recommendations made by the Boundary Commission for England in the previous cycle were changed. This morning, examples were exchanged of where change was desirable or not desirable, and where it was proposed or rejected, but the fact is that that level of responsiveness to the public has been shown to be there in what boundary commissions do, so the need for check and balance is met by what the boundary commissions do in their public consultation. That is very important. My hon. Friend the Member for West Bromwich West eloquently touched on that.

It is important that the boundary commissions' impartial recommendations are brought into effect promptly and with certainty in order to avoid wasting public money and time and to underline the independence of the process. Clause 2 provides for proposed constituencies to be brought into effect automatically. It does that by amending the Parliamentary Constituencies Act 1986, which provides for the recommendations to be brought into effect through an Order in Council made by Her Majesty following approval of the draft order by both Houses of Parliament.

As happens now, the Secretary of State would be required to give effect to the recommendations of the boundary commissions. Let me say a little about the wording that hon. Members will see in the Bill. Professor Sir John Curtice also noted this in evidence. The wording has been updated over time. In the current legislation, a Minister must submit the draft order

"as soon as may be".

The new wording used in the clause is:

"as soon as reasonably practicable".

I do not think that is of great interest to the Committee, but I just want to make the point that that is more up-to-date wording. There is nothing more to be read into that change of words.

Christian Matheson (City of Chester) (Lab): Is there any practical difference between the two forms of worfing, or is it simply using more up-to-date language?

Chloe Smith: The hon. Gentleman—my friend, if I may return his compliments of this morning—has it exactly right. I thank him for aiding the Committee's understanding on that point. I could give examples of where that kind of wording has been updated in other Acts, but I think I do not need to do so if it is as simply put as that.

As happens now, an Order in Council will be used to give effect to the recommendations, but Parliament will not play a role in approving that order, and the Secretary of State will no longer be able to amend the draft Order in Council that implements the boundary commissions' recommendations in the event that it is rejected by Parliament.

We heard in the witnesses sessions that a number of respected academics support this change. Countries such as Australia, Canada and New Zealand use a similar approach. It is the right one to use. We heard from Dr Renwick and Professors Hazell, Curtice and McLean, and there are many more who stand on that side of the argument. One of the most eloquent whom we heard in our sessions was Professor Wyn Jones from the Welsh Governance Centre, who said:

"It is probably better that MPs set the terms of the exercise for the Boundary Commission behind a veil of ignorance, if you like, without knowing exactly what the particular outcomes would be for them as individual MPs."—[*Official Report, Parliamentary Constituencies Public Bill Committee,* 18 June 2020; c. 57, Q117.]

I considered trying to get a joke on the record about Immanuel Kant and the ways that that surname could be used, but I thought it would be better not to test the boundaries of that at this stage of the Committee.

As my right hon. Friend the Member for Basingstoke went on to say, witnesses were clear that the independence of the process should not be violated—a strong word, as she pointed out. Whether Professor Curtice was also right to call Committee members and Members of the House turkeys, I could not possibly comment, but it is self-evident that MPs have an interest in the outcome. That is simply a fact.

I now turn to amendments 2 to 4 and the opposition to the clause that I assume goes with them. I disagree fundamentally with the amendments and I urge hon. Members to withdraw them. I recognise the passion with which hon. Members put their arguments. The hon. Member for City of Chester spoke about parliamentary approval being a "safety valve", but those arguments are wrong-headed. Essentially, they say that a process should be regarded as independent if someone agrees with it, and not if they do not, which is a poor way to approach the question. The changes are important to ensure that the recommendations of the independent boundary commissions are brought into effect promptly, without interference from any political quarter, without waste of public time and money, and without delay.

John Spellar: Essentially, the Minister is avoiding the central political reality, which is that because of the way the boundary commission went about its work, whether according to its instructions or not, the Conservative Government fundamentally lost control of their Members of Parliament. Ironically, in 1969, the then Labour Government had absolute control of their Members of Parliament, which is why they voted down the recommendation. The reason that those proposals never got before Parliament was that they were so fundamentally unsatisfactory that the Conservative Government lost control of their Back-Bench Members and some of their Ministers.

Chloe Smith: I have huge respect for the right hon. Gentleman; it is a credit to the Committee that we have no fewer than two former Secretaries of State on it. I am afraid that in this case, however, he is not correct. That is not the fundamental point. The fundamental point is that we need to put in place updated and equal boundaries. If his party's heritage goes right back to the Chartists, as he hopes it does, he ought to be with that argument rather than against it. That is what we need to address today.

I want to make a few points about the nature of parliamentary sovereignty as it operates here. The hon. Member for Lancaster and Fleetwood said that the Government of the day set the parameters and, without the safety net of a further approval stage, we could allow for bad reviews—I think I have accurately reflected her words there. Sir John Curtice also reminded us that someone could introduce an overturning Bill if they wanted to; that is a facet of parliamentary sovereignty. Parliament can do that if it wishes. Indeed, the hon. Member for Manchester, Gorton (Afzal Khan) tried to do that in the last Parliament, and we spent many hours considering his Bill.

The hon. Members for Lancaster and Fleetwood and for Glasgow East misunderstand, or misrepresent, the nature of Parliament and the Executive in their arguments, so I want to set the record straight. It is Parliament, not the Executive, that sets the parameters through this Bill; that is what we are doing. I may be on my feet right now as a member of the Executive, which I am deeply honoured to be, but it is Parliament in the form of this Committee and later in the whole House, and in the second Chamber, that does that job.

I merely present proposals. It is for Parliament to agree or deny them. It is Parliament that retains that sovereignty at all times, and if Parliament later disagrees with the measure, it can act. There is nothing here to prevent it from doing so, although I would advise against that for the reasons that I have set out. My right hon. Friend the Member for Elmet and Rothwell set that out clearly to the hon. Member for City of Chester, who agreed with him, if I understood the exchange correctly.

It is the constitutional position that the Executive are composed of the largest party in Parliament. That is simply how it is. I appreciate that I am the Minister for the Constitution, so I rather enjoy such arguments, but I hope the Committee will bear with me.

It is the case that Parliament has some crossover with the Executive—of course it does; that is how we are set up. In that resides the confidence of the House and the delivery of the manifesto commitments that have put the Government in their place. That is what we are here to do in the Bill: deliver equal and updated boundaries. That is the right thing to do.

John Spellar: I think that we should explore that constitutional issue, because we also need to look at the procedures of the House. Only the Government can instigate legislation, apart from the rather convoluted private Members' Bills procedures. Indeed, even when such a Bill may be trying to proceed, it can be held up by not putting forward a money resolution. Government, as the Executive—subject, as the hon. Lady rightly says, to the constraint of a vote of no confidence—are able to stifle any of that legislation, should they so wish.

Chloe Smith: And in that will reside the views of the majority of Members of the House of Commons, who know what the right argument here is in this case, which is to deliver equal and updated boundaries. I am only sorry that some of the arguments we have heard this morning seem to express almost a lack of confidence in Parliament's right and ability to set a framework at the outset and then have confidence that it can be delivered by what is a very high-quality public body, judge-led and acknowledged by witnesses to be among the best in the world in how we run our boundary commissions. Perhaps the hon. Member for City of Chester disagrees.

Christian Matheson: I am enjoying the Minister's exposition of the constitution. The proof of the particular pudding she is talking about is in the fact that the last two boundary revisions did not have the support of Parliament. There was no formal mechanism in the way that she describes for hon. Members to express that disapproval and lack of support. It had to be done informally through the usual channels, until the Government realised that if they did push either of those to a vote, they would not have succeeded. There was no formal constitutional mechanism of the type the Minister is trying to outline.

Chloe Smith: I will say two things to that. First, we should be focusing on what we now need to do. Secondly, I am pleased to be here proposing a better way forward that demonstrates that we have listened to the opinions expressed by, among others, the Select Committee on Public Administration and Constitutional Affairs. We should therefore deliver what we have been asked to do by people in this country through the means of the Bill.

I will draw my remarks to a close. I need detain the Committee no longer. I think I have dealt with all the points put to me this morning. I recommend that the Committee reject the amendment and support clauses 1 and 2 standing part of the Bill.

Cat Smith (Lancaster and Fleetwood) (Lab): It is lovely to see you in the Chair on this warm afternoon, Sir David. My amendments to clause 1 ask the Committee whether Parliament should vote on the review of the boundaries. As it happens, Parliament has not had the opportunity to vote on the last two reviews because they were never tabled for debate by the Government. This is a safety valve: us as parliamentarians being able to check the homework of the boundary commissions. This is not marking our own homework; this is us ensuring that the boundary commissions have executed the criteria we have given them accurately and that we are happy to proceed. I have seen it pointed out often on social media recently that the Government have an 80-seat majority. If they are so confident in their 80-seat majority, they have nothing to worry about in bringing the review that we are about to have back to Parliament for a vote.

I draw the Committee's attention to the written evidence submitted by Dr Renwick and Professor Hazell, particularly points 15 and 16. They say that although the boundary commission has only very rarely been questioned to be biased—that would not be the case at all; we all have confidence in its independence—

"there are grounds to worry that this could change"

if the automaticity is implemented. In point 16, they set out some safeguards that could protect against that. I have some concerns that while the independence of the boundary commission is not questioned at the moment, the change could have future consequences that are foreseeable, as set out by Dr Renwick and Professor Hazell, and safeguards could be put in place.

2.30 pm

I draw the Committee's attention to written question 5194, asked by Baroness Hayter in the other place, which I discovered as part of my research for the Bill, on 18 June. She asked about Orders in Council, and the answer was that that

"relates almost exclusively to the affairs of Chartered bodies."

The fact is that the boundary reviews being put as an Order in Council is very different from the way that Orders in Council are usually used in this process. However, as it happens, the Opposition will not push amendments 2 to 4 to a vote this afternoon, so I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 1 ordered to stand part of the Bill.

Clause 2

ORDERS IN COUNCIL GIVING EFFECT TO REPORTS

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

The Committee divided: Ayes 10, Noes 7.

Division No. 1]

AYES

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

NOES

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

Question accordingly agreed to.

Clause 2 ordered to stand part of the Bill.

Clause 3

MODIFICATIONS OF RECOMMENDATIONS IN REPORTS

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

Chloe Smith: I shall be as brief as I can. Clause 3 inserts new section 4A into the Parliamentary Constituencies Act 1986. New section 4A sets out the circumstances in which the recommendations made in a final report of a boundary commission may be modified. The purpose of the clause is to provide for a process by which a boundary commission may submit to the Speaker a statement of modification that the commission considers should be made to the recommendations after they have been submitted to the Speaker.

That will be the only process by which a boundary commission's recommendations can be modified. Under new section 4A, the only modifications that could be made are those that the commission would request in order to correct an error. That can occur once the reports have been submitted, and where an Order in Council implementing the recommendations has not yet been submitted to Her Majesty in Council.

New section 4A(6) requires that any subsequent Order must give effect to any such modifications when implementing the recommendations. Currently, the commissions may notify the relevant Minister of modifications to recommendations in the report and the reasons for them, and the Minister will then give effect to them. The clause changes that process so that the commissions may submit a statement of modifications to the Speaker, who lays that statement before Parliament. A copy of the modifications sent to the Speaker is also sent to the Secretary of State. That is so that any commission modifications are reflected in the subsequent Order in Council that implements the recommendations, as we have just been discussing.

New section 4A(5) requires the commissions to publish a statement of modifications as soon as reasonably practicable after it has been laid in Parliament by the Speaker. These are sensible, technical changes, which I hope will not trouble the Committee greatly, to reflect the smaller role of the Government in implementing the recommendations and the increased role of the Speaker, as set out in clauses 1 and 2. I therefore urge that the clause stand part of the Bill.

Question put and agreed to.

Clause 3 accordingly ordered to stand part of the Bill.

Clause 4

PUBLICITY AND CONSULTATION

Question proposed, that the Clause stand part of the Bill.

The Chair: With this it will be convenient to discuss amendment 10, in the schedule, page 7, line 29, at end insert—

'(1A) In paragraph 2(1) omit the words "and no more than five" in each of the subparagraphs.'

These amendments remove the cap on the number of hearings the Boundary Commissions may hold in each of the nations and in each of the English regions, leaving it for the Boundary Commissions to decide the appropriate number of hearings to hold.'.

David Linden (Glasgow East) (SNP): It is a great pleasure to see you in the chair, Sir David—welcome to our deliberations. I certainly do not wish to detain the Committee long, not least because I see that the Minister is chewing a sweetie, and if I sit down quickly, I will put her in a difficult position. Amendment 10, which is supported by the hon. Member for Ceredigion, was tabled with a view to making the lives of the boundary commissioners a little easier by giving them some room for manoeuvre.

As the Committee will recall, during the evidence session on 19 June, Ms Drummond-Murray of the Boundary Commission for Scottish, in response to question 6, spoke of things being "problematic" in the last review because of the restrictions in the number of hearings set out in statute. She made it clear that covering a country the size of Scotland, and doing so with only five hearings, was problematic. The amendment would remove that restriction.

As I was gently discussing this with the hon. Member for West Bromwich West earlier, something that came through from the evidence sessions and over the course of this morning's sitting was a respect for the boundary commissions and a desire to try to make their lives as easy as possible. The amendment would not alter the fundamental principles of the Bill; it seeks merely to give the commissioners the flexibility to undertake the public engagement that is welcomed—and not just by the hon. Member for West Bromwich West, but by us all in our communities. It seeks to give that flexibility to commissioners to undertake public engagement. I hope that the Government will support my amendment, and I look forward to hearing her thoughts on the proposal.

Chloe Smith: I will address both clause 4 and the amendment in one breath. As currently drafted, the rules governing the boundary reviews provide that there should be between two and five public hearings in each of Wales, Scotland, Northern Ireland and the nine English regions. The amendment would make the number of public hearings a matter of judgment for each of the boundary commissions. I am confident that I understand the argument that the hon. Gentleman made, and I am grateful to him for tabling the amendment in the spirit of improving and prioritising public consultation of the existing framework, which is very important.

My reservation about the amendment is that we need to give the boundary commissions clear rules that are in themselves unimpeachable. As we discussed this morning, there is of course great interest in getting the result right so that it can carry trust and command confidence. To that end, a clear and unambiguous framework is helpful; it would allow the boundary commissions to better preserve both their actual and perceived independence.

By mandating a particular number of hearings, we are saying that the commissions are able to deploy their technical expertise in a legally certain environment in which their independence could not be challenged for the wrong reasons—for example, on the grounds of process, or on grounds such as, "You didn't do enough hearings here," "You did too many hearings there," or, "You didn't give us a fair voice here and gave somebody else an overly large voice over there."

I would put the argument at that level: instead of removing it entirely, it is right to maintain that set of guidelines for how many hearings there ought to be, because it allows for there to be a greater degree of public trust around the fairness of the process of the hearings. I hope that argument is enough to engage the interest of the hon. Member for Glasgow East, and to persuade him and the hon. Member for Ceredigion not to press the amendment.

Ben Lake (Ceredigion) (PC): Before the Minister moves on to clause 4, I have a question about amendment 10. Is it fair to say that the Government might be willing to consider extending or increasing the role and number of hearings—setting a higher limit, as opposed to lifting it completely?

Chloe Smith: I understand the point that the hon. Gentleman makes. As the witness from the Boundary Commission for Scotland said, there ought to be more hearings. That is a fair argument—perhaps a fairer argument than the one I was seeking to address just now. I note that it is not the one on the amendment paper, so it is perhaps academic for the purposes of the immediate discussion. However, I understand and note the hon. Gentleman's point. I will discuss the full extent of what we are doing with the public hearings, which might address his point.

We are changing the timing of the public hearings so that they can be better targeted by the boundary commissions. That goes directly to the point that Ms Drummond-May made. With the number of hearings that she had, she had to decide where to hold them in what is, as we all know, a large geographical area that is sparsely populated. Being able to be more flexible about when the hearings take place addresses that point, because after having observed the first round of feedback coming from the first round of consultation, the boundary commissions will be able to say, "Right, we see where that feedback is coming from. We're going to use the change in timing for the hearings, which will now be in the second round, to meet that feedback where it is coming from." In effect, it will save somebody such as Ms Drummond-Murray the difficulty of deciding blindly whether to put their hearings in Hawick or Inverness.

This change addresses that point: without necessarily needing to add another hearing, it allows for them to be better targeted. I will explain a little how the clause does that. It makes a change by putting the public hearings later in the consultation process. As I say, the clause allows public hearings to be better targeted to areas where it is clear that there might be the greatest debate over possible different options. From our discussions with the boundary commissions—indeed, the Boundary Commission of Scotland told us this in Committee—we know that it is only once a review gets going that boundary commission staff are able to judge where the feeling is greatest about particular constituencies and proposals. That is where we would want to target the use of public hearings to have the greatest impact on, and responsiveness to, the public, which is a principle that we all agree on.

The trouble with the current legislation is that the public hearings take place close to the start, during the first 12-week consultation process. Bearing in mind that the hearings are events of some scale and inevitably require large venues, which can be hard to find and need to be booked ahead, this could be a particular concern in areas where there is a sparse population. Again, there

[Chloe Smith]

is a limited number of such venues to choose from. Under the current law, the boundary commissions can therefore find themselves picking locations and having to secure the venues before the review has even begun, to ensure that they can conduct those events. In effect, they are guessing about where the interest is going to come.

The change being made by the clause addresses that issue by allowing the boundary commissions to be better able to consider the responses received, assess where the feeling is greatest, decide where the hearings should be held, and then plan and deliver those hearings for the secondary consultation period. Therefore, to make it possible to implement this change, we are adding time to the secondary consultation period. The clause has the effect of moving four weeks of consultation time from the initial consultation period to the secondary consultation period, to allow that time for public hearings.

2.45 pm

Currently, there are three periods: they are arranged as 12 weeks, four weeks and eight weeks. The clause will change that to make three equal periods, each of eight weeks. The overall amount of consultation time will not change, which is important considering our earlier debate about the primacy of public feedback. The time for consultation is currently 24 weeks, and it will remain so under this provision.

The clause also makes a further specific change with regard to the very next boundary review in 2021. When we discussed clause 1, I said that as a result of the Bill the length of the next boundary review will be reduced slightly, by three months; we discussed that. We are making this change to give the best chance of that review being implemented, as I have explained.

As I have already said, in order to achieve that time scale the boundary commissions will compress some of their own administrative processes, focusing staff resources and doing as we would expect them to do with public time and money. In addition, we also propose that the consultation time included in the next boundary review is slightly shortened, from 24 weeks to 18, which is achieved by the clause. I said earlier that these changes have the cross-party support that we explored before introducing the Bill.

Subsection (12) modifies section 5 of the 1986 Act for the next boundary review, so that the secondary consultation period will be six weeks instead of eight, and the third consultation period will be four weeks instead of eight. These changes enable that slightly earlier deadline to be met.

The clause also makes some operational changes to the consultation process, and it makes that very specific revision to the timing of the next boundary review that I referred to, in order to ensure there is a prompt outcome, while maintaining the importance of the consultation. I hope that it addresses, in a pragmatic way, the concern that a witness directly expressed to us, and in such a way that the hon. Members for Glasgow East and Ceredigion do not feel the need to press their amendment to a vote.

Cat Smith: Speaking to amendment 10, the hon. Member for Glasgow East made a very good point about the way in which the Bill must be able to be applied effectively in every part of the United Kingdom. In some of the regions where the commissioners will be doing their work, the geography and landscape are very different from those of other regions. In that sense, I am minded to support the amendment if chooses to push it to a vote. It would give the commissioners more flexibility to be able to respond to the needs of communities, and if we are to have communities that are confident in the boundaries that the commissioners draw, they must have had an adequate say in how the constituencies are formed.

Christian Matheson: First, I welcome the Minister's explanation of the clause. I have been through a few of these boundary reviews now. I remember attending one in the mid-1990s for Cheshire, which was held in Winsford, in the geographical centre of Cheshire, along with my old mentor Lord Hoyle—as he is now is—and Mike Hall, another former MP, and the late and much-missed Andrew Miller, another former MP.

More recently, the Cheshire review was held in my own constituency in Chester, in The Queen hotel, and in that circumstance I found myself speaking against my own party's recommendations, because the numbers had forced the party to exclude a part of the constituency from Chester that I felt rightfully belonged to it. It was a strange and uncomfortable situation, but I did what I did because it was right.

Having heard the hon. Member for Glasgow East speak to his amendment, I think there is a principle that flows throughout the Bill, which is the importance of taking into account geography, in terms of the overall impact of the Bill and its overall implications. I could easily get from Chester to Winsford and from Chester to Warrington; that would not be a problem. Speaking from my own experience, I think that Cheshire could get away with having one public inquiry.

If I think about parts of rural northern England, the far south-west, or large parts of Scotland and Wales, the sparsity of population makes it less easy to hold public inquiries than in Cheshire or in large boroughs. It is the same principle and the same argument that we will discuss later in the Bill—I do not want to wander too far off the subject of this clause—where we have numbers overriding geographical considerations. There are parts of the country that need to be treated differently because sparsity of population and geographical features make it more difficult for individuals to take part

The hon. Member for Ceredigion asked the Minister a question that had also occurred to me, about whether, in principle, she may consider a slightly different amendment, if she accepts that some areas need more attention because of their geography and sparsity of population. Obviously, the Minister cannot speak to a hypothetical amendment, but I would support that suggestion. The principle that flows through the Bill is that we cannot simply go on bare numbers. Geography, population density and the ease of people getting to, and taking part in, consultations need to be considered. I have a lot of sympathy with the amendment moved by the hon. Member for Glasgow East.

Clive Efford: I am sorry that I did not call you "Sir David" earlier. I was not trying to de-noble you and I apologise.

I support the amendment tabled by the hon. Member for Glasgow East. We are in a curious situation with this clause. On the one hand, the Government are

saying, "Step back, set the parameters and let the boundary commission get on with it," but when we get to this clause they become prescriptive. The clause limits the scope of the boundary commission to consult and to set up consultations with an area in a way that meets the reaction they are getting from a local community. It says that there can only be five consultations in an area. That does not seem to me to be stepping back, allowing the boundary commission to get on with its job, and reacting according to representations from the community.

The Bill sets a rigid timetable, which is acceptable, but subsection (12) says that we will have only six weeks for the second stage and four weeks for the third, because we have a rushed timetable. In the evidence, we were told time and again that this will be a major upheaval because the boundaries are 20 years out of date. Rather than truncating the consultation period in the coming boundary review, we should at least stick to the length of time we are setting for subsequent boundary reviews. Apparently we are not doing that and we can rush at this one, like a bull at a gate.

This is a substantial review that will bring about major changes because of the age of the boundaries we have, which is quite right. I am not arguing about the fact that these changes have to be made and that we have to achieve some sort of equilibrium, which at the same time recognises communities, but it will be a difficult exercise that the Government are making even more difficult because of the timescale they are setting.

Saying that the second stage of the review will have only six weeks and the final stage only four does not seem to be consistent with the idea that we set parameters and let the boundary commission get on with its job. All of a sudden we are starting to put difficulties in its way. I would support the amendment tabled by the hon. Member for Glasgow East if it were put to a vote. It is important that we give flexibility to the boundary commission so that the public have confidence in what the commission is doing and that their views can be heard. Even if the outcome is not the boundaries that the public support, at least they will have had the right to have their voices heard in a way that is convenient and in a location that enables them to participate. Putting restrictions on the boundary commission is a step in the wrong direction. I fundamentally disagree with the bit in subsection (12). On a boundary review that is well overdue and is going to be difficult, the Government have set a tougher timescale. The game is up. This really does expose the political considerations. This is all about the timing and choice of a general election date from 2023 onwards. It has nothing whatever to do with doing an efficient job in reviewing parliamentary boundaries.

The Chair: I point out to the Committee that any vote on amendment 10 will be later in our proceedings. If the hon. Member for Glasgow East wishes to press the amendment to a Division, it will be later in our proceedings.

David Linden: I thank the Minister and the hon. Members for Lancaster and Fleetwood, for City of Chester, for Eltham, and for Ceredigion for their considered remarks. During our discussions I reflected that perhaps this morning, we dealt with one of the more controversial aspects of the Bill with automaticity, but we have now moved to discussing hearings and where they should take place, so I am glad to have brought the temperature down, if not physically.

I detected from the Minister, particularly in response to my hon. Friend the Member for Ceredigion, that the measure is something the Government are willing to consider if there is a way that we could work together to try to table an amendment on Report. The Minister will be aware that the amendment was in no way motivated by party politics. It is about trying to assist the commissions, so I propose to withdraw the amendment on the understanding that the Government discuss with me and my hon. Friend the Member for Ceredigion some form of amendment that could perhaps be tabled on Report to address the issues that I still think are outstanding and that have been put on the record by Ms Drummond-Murray. On that basis, I will not press amendment 10 to a vote.

The Chair: I thank the hon. Gentleman for his advance warning that that is what he will do. It will be helpful as far as the administration of the Bill is concerned.

Question put and agreed to.

Clause 4 accordingly ordered to stand part of the Bill.

Clause 5

Number of parliamentary constituencies

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

Chloe Smith: Is it not a pleasure that we can do our work without the bells being quite so loud as they were earlier? I will keep my remarks on clause 5 extremely short because the clause is very simple. It amends the existing legislation to ensure that we continue to have 650 parliamentary constituencies, as we do now. Currently the 1986 Act, as amended by the Parliamentary Voting System and Constituencies Act 2011, sets the number of constituencies at 600.

The reduction has yet to happen in practice. As the recommendations of the commission's review is based on 600, it had yet to be implemented by the order that would have been laid under previous legislation, which we have discussed mightily already this morning. This is a change of policy from that adopted under the coalition Government. There is nothing to hide. The change takes into account views that have been expressed. Dare I say it demonstrates listening?

I mentioned that the Public Administration and Constitutional Affairs Committee has looked into the matter, and we are grateful for their consideration. On balance, we believe that the move to 600 constituencies, brought into law in 2011 by the coalition Government, is no longer the appropriate move to make because circumstances have changed in two areas. First, in the past decade the UK population has grown by 5% between 2011 and 2019. It is now estimated to be 66.4 million. And—the one hon. Members have all been waiting for—we have left the European Union. Is that not the core argument of the day? It is relevant to the Bill because we have regained significant areas of law making, returned to this Parliament and the other legislatures of the UK. That means that to ensure effective representation for a growing population, it is sensible to maintain 650 constituencies. I note that there was broad consensus

[Chloe Smith]

on that on Second Reading, so I do not think that any of the chucklings that we have heard from sedentary positions are based on strong arguments. The direction of the argument is in favour of maintaining 650.

3 pm

Mrs Miller: I absolutely understand and accept the Minister's argument, although other democratic institutions regularly review the number of their elected representatives. My local authority, Basingstoke and Deane Borough Council, has just implemented new boundaries to reduce the number of councillors from 60 to 54, not only to save the council tax payer money, but to recognise that things change. The Government are right to keep such questions under review.

Chloe Smith: I am grateful for that example. My right hon. Friend is correct, particularly about the principle that ought to underpin what we do here. After all, we are looking at public money, in terms of what we might call the cost of politics—the number of salaries multiplied by 600 or 650—and how we ask the boundary commissions to do their work. Those things are underpinned by public money and public time, so we should consider them in Committee . There is nothing more extensive to say about clause 5, so I commend it to the Committee.

Cat Smith: The Opposition welcome clause 5. We have argued to keep the number of MPs at 650. I also welcome the Minister's explanation of why the Government have U-turned and returned to the idea of having 650 Members of Parliament.

The Minister made the argument that the UK population has grown by 5% since 2011. I ask her, and she is welcome to intervene, whether that is an indication that we should expect the 650 figure to increase in subsequent reviews if the UK population were to increase in that time.

I also ask why the number is fixed. We heard in our evidence sessions that one of the difficulties that commissioners have in drawing seats is that they must finally reach the 650 figure. Is there not a strong case for having a target number of MPs that the commissioners should reach within a percentage range? Overall, the Opposition welcome the clause and the decision to maintain 650 MPs.

John Spellar: Briefly, several of the factors that the Minister outlined were blindingly obviously after 2015 as well. The population in this country was going up and there had been a referendum to leave the European Union. Was it not, frankly, the shallowness of David Cameron and the stubbornness of the right hon. Member for Maidenhead (Mrs May) that meant that the Government have had to make the change now that they could have made before? We would then have been here representing different constituencies. There is no shame in saying that the former leadership of the party—it is probably unwise to attack the current leadership—got it wrong and that is why they have done a U-turn.

David Linden: Can I say what a pleasure it is to see clause 5 in the Bill? I spent about 30 sittings of my life in the last Parliament on the Parliamentary Constituencies (Amendment) Bill Committee, brought forward by the wonderful hon. Member for Manchester, Gorton (Afzal Khan). On that Committee were me, the Minister, the hon. Member for Coventry North East, the hon. Member for Lancaster and Fleetwood and the hon. Member for City of Chester, with whom I have grown incredibly close over this issue and through the armed forces parliamentary scheme. It is a genuine delight to be on the Committee.

I used to trot along the corridor every Wednesday morning to come and argue that there should be 650 seats. At the time, the Minister, only six months ago, was resolutely opposed to that. So it is with a degree of glee that I hear her talk about that 5% population growth. I know that, on the Committee, I, the hon. Member for Lancaster and Fleetwood and the Minister have had children, but I can safely say that we have not contributed 5% population growth in the last six months. Therefore, the U-turn is quite remarkable.

There is also an argument based on Britain leaving the European Union. I accept that. It will be a travesty and bad for Scotland, which is probably why people in Scotland voted against it, but if we follow to its logical conclusion the argument about losing 73 MEPs who used to go to Brussels and debate and legislate on our behalf, and all those laws coming back to the UK Parliament—by and large they are coming back to it as a result of a power grab by the UK Government who are not devolving the powers on to institutions such as the Welsh Assembly and Scottish Parliament—presumably we should increase the number of seats, commensurately with MPs' increased workload. Like the hon. Member for Lancaster and Fleetwood I am perplexed that the number remains at 650.

I want to pick up on the Minister's point about cutting the cost of politics. One of the things that I tried to bring up in those enlightening Wednesday morning Committee sittings—with more ease some weeks than others—was that the Government's argument that they are cutting the cost of politics is problematic because of the other place.

Alec Shelbrooke: Hear, hear!

David Linden: I am grateful that that revolutionary from Yorkshire, the right hon. Member for Elmet and Rothwell, agrees that we should abolish their lordships. The Government need to be consistent if they make the argument about cutting costs. Even this week we hear that the Prime Minister's chief aide Eddie Lister is off to join the House of Lords, with £305 a day tax-free for the rest of his life, without ever being subject to a vote.

The House of Lords is an utterly undemocratic institution. There are only two places in the world where hereditary chieftains retain the right to make law. One is the United Kingdom and other is Lesotho. There are only three parts of the world where clerics retain the right to legislate. We have 26 bishops, the Lords Spiritual, who legislate by virtue of their religion. The other countries, of course, are Iran and the Isle of Man. If the Minister, therefore, wants, as she has said today, to talk about cutting the cost of politics, may I gently suggest that in the previous Parliament the Bill was starting at the wrong end, with the election of MPs? Perhaps if we want to cut the cost of politics we should end the circus down the other side of the building.

Laura Farris (Newbury) (Con): The hon. Gentleman picks up where I was cut off by the time limit in my Second Reading speech, and I could not agree with him more. When I was preparing my Second Reading speech I looked at the *Hansard* report of the debate from the late 1990s on reform of the House of Lords under Tony Blair. I was struck to see such familiar names as Ted Heath. Giants of the British political scene made arguments that we make in exactly the same form today. I looked into the cost of the House of Lords, and it is not the same as the cost of House of Commons, but it is not far off. There is no right of removal, and we avert our eyes from what is inappropriately still a hereditary principle, when we all know that is not a good enough reason for anyone to hold status in public life any more. I hope that a bold, reforming one nation Government will have, at some point in the next five to 10 years, an eye on that, because it is the elephant in the Palace.

David Linden: I have watched the hon. Lady in the last couple of weeks in the Chamber and she has been incredibly thoughtful. I suspect that the Government Whip is probably wincing slightly but the House is all the richer for people who are willing to stand up and say, "If we are going to talk about the future of the UK constitution we need to address the fact that in 2020 we still have people who have been there many years and have never been subject to a vote." She is right to say that.

Alec Shelbrooke: As the hon. Gentleman has picked up, there is quite a lot of agreement about the other place. However, I do not think it is particularly fair on the Minister to be talking about it when we are trying to deal with a constitutional Bill on the House of Commons, and on how we vote. I say to him gently that I understand the arguments that he makes, and there is merit in them. He has some cross-party agreement. Voting on the other place has always tended to be a free vote, and it has always fallen at the last hurdle. I would be more than happy to have discussions with the hon. Gentleman if he could find positive ways to move forward on the subject. I am just not sure today is the right moment.

The Chair: Order. I have been biding by time about when to intervene. We have now had two interventions that were long speeches. Can we stick to the Bill? The Bill has nothing to do with reform of the House of Lords.

David Linden: Thank you very much, Sir David. I do not want to challenge the establishment too much when you are in the Chair, so I will avoid being taken down the path that these unruly Conservatives would have me go down—of course, I was so much in order. Perhaps my remarks in the last few minutes have been slightly cheekie-chappie, but I want to say that I am delighted to see the clause in the Bill. It would be remiss of us not to put on the record our thanks to the hon. Member for Manchester, Gorton, who tried to keep this issue alive in the previous Parliament and, as a result, we find ourselves with a Bill that is by no means perfect, but the clause is one of the better things in it. With that, and I am sure to everyone's relief, I bring my remarks to a close.

Clive Efford: The Bill gets more and more curious. The Minister argued consistently on previous clauses for a position that would have prevented us from getting to the clause, had we been in that position of automaticity and the previous boundary reviews had gone through. If it were not for Parliament's ability to have a second look at what had been set in train, we would not have the clause to have 650 MPs.

It is curious for the Minister to stand up and say that is the right decision and what we should do when she has also argued for something that would have prevented us from getting to this position. That is the argument in favour of Parliament giving the final approval on whatever the boundary commission proposes. It is clear that going down to 600 MPs was a schism imposed on us by two ambitious young politicians who got together in a rose garden and completely fell in love. It was the wrong decision, and when Parliament got the chance to take a second look, it came to a conclusion that both sides of the House support. With the situation we are in, which we have been in for a long time—MPs represent greater numbers of constituents than ever before, and in some of our inner-city areas that involves many people who cannot go on the electoral register—it has been obvious that we should not cut the number of MPs. We are where we are, but that highlights how the Government are arguing for a position that would have resulted in us making a huge error, had it been in place at the time of the last boundary review.

Christian Matheson: I will speak only briefly. In fact, I only sought to catch your eye, Sir David, after my right hon. Friend the Member for Warley gave advice to the Minister, based on his years of experience, that she was entitled to criticise previous leaders who may no longer be with us. I thought I would therefore take the opportunity to do what I promised earlier and compliment the Minister on changing her position. I said how she would prove to be flexible, and this is what I was talking about. As my hon. Friend the Member for Lancaster and Fleetwood said, the reversion to 650 is the right decision, and I very much welcome it. However, as my hon. Friend the Member for Eltham just said, is it not great that we are in a position to do that, because automaticity was not in the Bill? I will leave it at that.

Question put and agreed to.

Clause 5 accordingly ordered to stand part of the Bill.

Clause 6

TAKING ACCOUNT OF LOCAL GOVERNMENT BOUNDARIES

David Linden: I beg to move amendment 8, in clause 6, page 4, line 35, before "for" insert "(a)"

This is linked to amendment 9.

The Chair: With this it will be convenient to discuss the following:

Amendment 9, in clause 6, page 4, line 37, at end insert—

', and

(b) after paragraph (c), insert—

"(ca) boundaries of polling districts, where useable data is available;"'.

Polling District mapping is available in standard GIS formats in many areas. This allows the data to be used by the Boundary Commissions if they think fit.

New clause 9—*Completeness of the Electoral Register*—

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

(2) In rule 5(1) of Schedule 2 to the 1986 Act, at end insert—

"(f) data from the Department for Work and Pensions about non-registered voters eligible to vote.'.

3.15 pm

David Linden: I shall speak to amendment 9. During Second Reading, I was struck by the thoughtful approach of the right hon. Member for Elmet and Rothwell, who made a plea—often repeated during the evidence sessions—for commissioners to move away from using wards as the building blocks for drawing up constituencies, and instead to break it down and use more manageable and flexible building blocks. That point was also pressed many times by the right hon. Member for Basingstoke.

In evidence from Ms Drummond-Murray during the evidence session of June 18—referring specifically to Question 8 of that session—the Committee will have noted that Scotland can break it down by postcode, if necessary, rather than using the more clunky ward building blocks. Furthermore, evidence given by Mr Scott Martin, solicitor at the SNP, drew the attention of Members to spatialhub.scot and the technology that is in play north of the border, in response to Question 102 at the Bill's evidence session of June 18.

Polling districts are usually natural communities on their own, and are good building blocks for constituencies when wards cannot be used. Drawing constituencies using polling districts also makes the constituencies much easier to implement for the electoral administrators. They just need to reallocate the constituency that applies to each polling district, rather than allocating each individual elector. It also means that voters will not need to be allocated to different polling places when boundaries are redrawn. The parties referred to by Sir David should also be borne in mind here. Political parties that select their candidates on the basis of their members' vote are the first users of constituency boundary data. Reallocating polling districts rather than drawing new boundaries makes it easier for political parties to ballot their members, which they may wish to do before the new boundaries are effective on the electoral registers. I remind the Committee that amendment 9 seeks to add to the tool box for the boundary commission. Rule 5(1) lists factors that a boundary commission "may take into account" to such an extent as it sees "fit". Amendment 9 also recognises that a polling district's data may not always be usable, clearly ensuring that it stays as set out and that the data is only used by the relevant boundary commission satisfied that a particular area and data are properly usable. Amendment 9 merely supplements clause 6 and allows boundary commissioners to draw upon technology as set out in the Bill's explanatory notes.

I am keen to hear the Government's thoughts on the amendment, and if they plan to object I would like to hear the reason; I will make a judgement on that before I decide whether to press the matter to a vote. I have outlined the rationale behind the amendment, and I look forward to the Minister's feedback.

Mrs Miller: I wanted to make a couple of short comments on amendments 8 and 9, and commend the hon. Member for Glasgow East—he confesses to being a "cheeky chappie"—for tabling them. The amendments may be probing amendments, as I do not necessarily think they would apply in his neck of the woods, but they would certainly apply in England and Wales. I can see why he has tabled them, following our discussions, because they would put on the face of the Bill a requirement that polling district mapping be available for use. It became clear in our evidence that that was not the case; that is why evidence sessions are so useful. I am sure that hon. Members will, like me, be paying quite particular attention to their constituency information, and indeed their polling district information, not least because we are often asked to comment on where polling stations are, and our in-depth knowledge of our constituencies is an important part of our job. We know where the polling stations are and where the polling district boundaries are.

I was quite blown away by some of the responses to the questions I put to Mr Bellringer from the English boundary commission. Returning to amendment 9 before I go into exactly what he said, I understand why the hon. Member for Glasgow East tabled it. If we are going to really do what the Bill requires, which is to create equal-sized constituencies, going to a sub-ward level, whether that is, as he suggested, through polling districts, or—as in my line of questioning to the boundary commission—through postcodes, as in the part of the United Kingdom from which the hon. Member for Glasgow East comes, we need to be able to manipulate the data and the constituency information we have on a very refined level. It seemed odd that that has not been explored in the detail that hon. Members might have expected.

Sir Iain McLean, when he gave evidence, talked about the tension between getting equal-sized constituencies and the issues around local ties, which we discussed in earlier strings of amendments. The importance of equal size is clearly pre-eminent in the Bill and the amendment we are talking about now is important to deliver that important strategic focus of the legislation.

I was perplexed first by the inconsistent approach to the use of sub-ward level data in England, Scotland and Wales, and the fact that postcode data is used in Scotland and Wales but not in England. When I pressed that with Mr Bellringer, he very clearly said on the record that that information was very difficult for the boundary commission to come by; it would take a long time to access the data in the detail required. I was then perplexed by my further lines of questioning to Mr Bellringer, which made me think that, frankly, sub-ward level data had been put into the box marked "too difficult" and it was not necessarily going to be revisited. I would like to send a clear message from the Committee: that that must be revisited.

Although I am not sure I would necessarily support the amendment tabled by the hon. Member for Glasgow East at this point, not least because we are still waiting for a note from the boundary commission on how it might handle this, I hope it is listening to the debate to hear the strength of feeling on the matter. For postcodes, Mr Bellringer said,

"we do not have the postcode areas in England. We would have to create them; they could be created, but it would take an awfully long time to do."—[*Official Report, Parliamentary Constituencies Public Bill Committee*, 18 June 2020; c. 12, Q14.]

We can wait until that data is ready, if it takes six months or 12 months. The boundary commission needs to start setting the bar a little higher than it has to date on the sort of information it has to hand. Sir Iain McLean

suggested that the boundary commission should invest in geographical information systems. I do not profess to be an expert in that and I do not know whether that is what is needed. However, if it is, it should be forthcoming because it is important that we deliver the heart of the Bill, which is about equal constituencies. At the moment, I am unclear about how the boundary commission in England is going to do that. I hope the paper it sends us will edify me on that point.

Alec Shelbrooke: It is, indeed, unfortunate that we have made such quick progress that we have come to this clause before we have had the note from the Boundary Commission for England. The discussion we are having links into every single part of the Bill. This is an important moment. I am grateful to the hon. Member for Glasgow East for bringing this amendment—even as a probing amendment, if that is what it is—because it allows us to open up some very important arguments.

We had conversations this morning about whether we should hold the final vote on the Floor of the House. Opposition Members have made some powerful arguments about what would result if the boundary commission got it wrong. We should endeavour—especially with this clause today—to use the knowledge and expertise on the Committee and the evidence that we have taken to steer the boundary commission to get this right first time around. Some of the examples that were given in the past, which were then overturned when communities—not politicians—were able to make the points as to why particular suggestions were wrong, show that these things are not difficult to do, if time and attention is given to them.

I do not like to tie the hands of a body that we have asked to do a job. Being as prescriptive as the amendment would probably go too far, but it sends an important message. One of the problems with past boundary reviews has been that in order to get the numbers right, they have kept wards whole and created some very odd-looking constituencies that do not have anything in common with the areas they represent and their history.

I return to this point about communities all the time. One piece of evidence said that politicians very cleverly argue the "communities" point to get what they want in their seat, but it is an important point; it is not a political argument, and it is not about us. We represent areas: they are our communities. When the original proposal for 600 seats came out—I think it was in 2012—it was proposed that my constituency would run from my solid rural areas right into the centre of Leeds, in the Leeds East constituency. The previous MP there was George Mudie, a man who a lot of people know—certainly in Leeds and in this House—and for whom I have immense respect. He had been in public office for over four decades, I think; he was a leader of Leeds City Council, and a very distinguished one. I do not say that lightly.

He said, "This is appalling. I am an inner-city Member of Parliament. I represent the inner city; my whole professional career has been spent representing these communities." He was wholly opposed to the Conservative areas of my seat coming into his constituency. Believe me, he would have won; more interestingly, he was more vociferously opposed to the proposals than I was. What it came down to, George Mudie was saying, was that these communities were not like communities, and the proposals broke the bond he had. I cannot remember exactly how long he served for, but I think he had been in some form of public office in those areas of that seat for over 40 years. As I said, he was a very well-respected man, who is missed in this House and in his communities.

When the boundary commission is constructing these seats, it needs to be very careful that it has regard to rule 5 of the 1968 Act, and the five sub-parts of that. That rule is very important when it comes to geography and trying to keep constituencies roughly as they are. I know that is not possible 20 years down the line—there have to be big changes—but one way in which the commission can try to achieve these objectives is to go below ward level. I do not believe we need to prescribe that—to say, "You must start with polling districts"—but in response to the questions that we asked in the evidence sessions, the evidence that we received was legitimately, "I think you need to go below ward level to get this right." That is not the same as "You must start below ward level"—that is probably not the best approach, anyway. We would want to start with the easiest building blocks we have, and a lot of constituencies will already have those building blocks and communities within them. However, if we go below ward level, when we need to do things with the numbers, there are ways to do so.

There is a very strange little piece of my constituency, in a ward called Kippax and Methley. It is a stand-alone ward of Leeds City Council, where there are a couple of villages called Methley and Mickletown. The odd thing is that until 2010, a person would have to leave the constituency to get to those villages. They still would have to leave the ward to get to them, because the River Aire runs right through that ward and cuts it off, so they would have to go through the Normanton, Pontefract and Castleford constituency or through a different ward. Before I had Rothwell in the constituency, they would either have to go through the Morley and Rothwell constituency or through Normanton, Pontefract and Castleford. The communities are very similar: they were mining communities and the River Aire runs through them, so it is never a straightforward argument. There are some tweaks and twists around it, but the point I am making is that polling districts can be used to solve some of these slight problems.

I appreciate the amendment that the hon. Member for Glasgow East has tabled. It is an important probing amendment to get on the record why we in this Committee think it appropriate for the boundary commission to use polling districts to split wards. One of the reasons why I was persuaded that we should not prescribe polling districts as the starting point was the strength of the evidence about how those polling districts were themselves put together. I doubt it would happen, but it could create a gerrymandering situation later if those were the building blocks. That came out in the evidence. I am not saying that is what would happen, but it gives the potential for that to happen. It is therefore not right to bind the hands and to give temptation in that area, but it is important that the boundary commissions listen to the evidence. We shall explore this further when we come to the plus and minus 5% amendments later. This will be an important facet of that argument.

3.30 pm

As I say, I do not want to support the amendment, because it ties the hands too much. However, it goes to the absolute heart of our debate in trying to help,

inform and guide the boundary commission. Hopefully there will not have to be a huge number of changes when the first draft comes out, because the boundary commission will have learned the lessons of where it has had to make huge changes to previous boundaries, and it will have seen that this Parliament and this Committee are trying to present constructive ideas and ways forward, so that the commission can avoid making such changes.

I will not support the amendment. I hope the hon. Member for Glasgow East will withdraw it and see it as a probing amendment, but it has made possible a very important discussion in this Committee.

Christian Matheson: I will briefly make two observations and pose a question that the Minister might be able to answer. On the amendment tabled my the hon. Member for Glasgow East, I think we heard in evidence that the Scottish building blocks reflect the reorganisation of local government in Scotland. As such, they are slightly different from those in England and Wales—perhaps in terms of size, although the right hon. Member for Elmet and Rothwell has talked about wards of 17,000 people in Leeds, which are extremely large. I hope that we do not take our own experiences of wards in our areas—although I might do just that in a moment—and impose them on other parts of the United Kingdom where they are not appropriate.

Alec Shelbrooke: Just to quickly address the hon. Gentleman's point—it is something that I did not say—he is quite right to say that there are 17,000, 18,000 or 19,000 people in a ward in Leeds. We have similar issues in Kirklees, and I think Birmingham has been mentioned. I am thinking about specific areas where there are huge wards, created from a bunch of wards—in order to reach the right number—that contain totally disparate communities. That is the area we need to look at. In the metropolitan constituencies and councils, that is really important. That might help the hon. Gentleman.

Christian Matheson: I am grateful for that clarity. I am less keen on formally using polling districts as building blocks—we will come to this issue when we debate a different amendment—on the basis that they lack the formality of a consulted-on review by an independent body.

I have a question for the Committee that might be within the expertise of an hon. Member or the Minister. In my constituency, I already have split wards. I share one ward with my hon. Friend the Member for Ellesmere Port and Neston (Justin Madders) and another with the hon. Member for Eddisbury (Edward Timpson). Split wards already exist, and it is not clear why there needs to be consideration of introducing them into the legislation now, if they are already possible.

Chris Clarkson (Heywood and Middleton) (Con): Just to answer the hon. Gentleman's question, I believe it is more to do with the fact that his constituency is currently aligned with a set of boundaries that predate the Cheshire West and Chester authority. Should the boundary commission conduct the review, it will probably try to use the current boundaries for Cheshire West and Chester. I am sure he would agree that that would possibly lead to quite an unwieldly seat that does not contain the entire city and might go into rural areas that do not necessarily accord with the more urban parts of his constituency.

Christian Matheson: I am most grateful for that. That might well be the case, although the boundary review area was Cheshire as a whole. I suspect the boundary commission would not want to go over the boundary review area, but that might well be a possibility.

Alec Shelbrooke: The hon. Gentleman is being most generous in giving way. There is a split polling district between me and the hon. Member for Leeds East (Richard Burgon). I have about 26 houses from one of his large polling districts in my constituency; there is also the M1 motorway between my constituency and his. It makes no sense at all and creates some issues. It is noticeable that, in constituencies where there has been a local boundary change afterwards and there is a split across constituencies, the public are not really affected by that. That point was made in relation to what happens when we split wards and look at polling districts. The public are interested in who their MP, councillor and local authority are. I do not think they particularly mind if a different part of the constituency uses a different local authority.

Christian Matheson: With the greatest of respect to the right hon. Gentleman, he is now talking about split polling districts—he is doing my head in. My head is fried. I might just jump out the window.

On the contribution of the hon. Member for Heywood and Middleton, it might be, as the right hon. Member for Elmet and Rothwell said, that previous local government boundaries were superimposed on pre-existing parliamentary boundaries. That is entirely possible. If there is some clarification, that is fine. If split wards are permissible, that may go some way towards achieving our aims. I am grateful for that contribution.

Chris Clarkson: It is a pleasure to serve under your chairmanship, Sir David. I largely agree with my right hon. Friends the Members for Basingstoke and for Elmet and Rothwell, and thank the hon. Member for Glasgow East for his amendment. I will treat it as a probing amendment, and I shall not support it as it stands because we are still awaiting a letter from the boundary commission. My concern is that if we start prescribing units, it becomes dogma. We have seen that three of the boundary commissions are perfectly happy to start looking at innovative ways of splitting wards and treating postcode areas and community council areas as building blocks.

As Mr Bellringer suggested—I am not saying that this is the attitude across the piece, but it appears to be—the boundary commissions will go for the path of least resistance, which at the moment is wards. If we give them something smaller to work with, they will just work to that particular unit. We will get concomitances of polling districts snatched from area A and area B, and it becomes a more microscopic version of what we currently have. I am also concerned about using polling districts. As my right hon. Friend the Member for Elmet and Rothwell said, there is the danger of reintroducing a political element into something when we are trying to take it out by introducing the process of automaticity.

I shall not support the amendment. I greatly appreciate the option of being able to split wards. I am glad that we have had this debate. The Committee has heard from

Government-supporting Members that it is something that we are happy to look at, but I consider that being prescriptive is not the most helpful way to approach it.

Clive Efford: The hon. Member for Glasgow East has provoked an interesting debate about how we go about this process. I did not understand some of Mr Bellringer's arguments. We all know our constituencies extremely well, and we know the level of detail that electoral registration officers produce, road by road and building by building. On a fixed date, when we enter into the parliamentary boundary review, the number of people registered for a particular street is known. I do not understand why the boundary commission, in communication with the local registration officer, could not, where it needed to, investigate that level of detail, so I did not understand those answers.

As the Bill progresses, perhaps some thought can be given to expanding the areas of information that the boundary commission uses to draw up the parliamentary boundaries. We had an interesting discussion in the evidence sessions about the use of polling districts and what their legal basis was. Peter Stanyon from the local government boundary commission explained that it was often dictated by the location of a suitable venue for a polling station, the accessibility for people with disabilities, and the convenience, to enable communities to vote. Those are important factors, and they seem to be things that lead to a community being provided with a suitable location, which is desirable. Those might be suitable building blocks.

However, Mr Stanyon also said that, post a parliamentary boundary review, local government has to have a review if there are changes within its area to a parliamentary boundary. That use of technology could therefore allow the boundary commission to go down to sub-street level in the knowledge that, at some later date, the polling district will be changed to meet the new boundary that the commission has drawn up.

The commission does not need to be restricted to the distinct polling district area. It can now move forward in the knowledge that, if it can avoid creating a parliamentary boundary that goes across the jurisdiction of a local authority area, which brings in all sorts of difficulties, it has the flexibility to create an additional polling district or to add an additional community from within that local government area, in order to avoid all the problems that come with that cross-border situation. The local government boundary commission has made it quite clear that it would move the boundaries to suit that new parliamentary boundary if it were created.

I think that the hon. Member for Glasgow East is on to something, and that should be explored as the Bill progresses. We are creating a rigid set of criteria where some flexibility could avoid lots of difficulties that will be created by having small sections of communities in different local authority areas represented by an MP who primarily supports and represents a different community. We should explore that further.

Chloe Smith: May I, Sir David, on a question of order, ask whether you would like me to speak to amendments 8 and 9, new clause 9, and clause 6 stand part at this stage?

The Chair: No, please just speak to the amendment.

Chloe Smith: And new clause 9, as you said at the outset. I will be very happy to do so. Thank you, Sir David, for that clarification, which was very helpful. I thank the hon. Members who tabled the amendments, and who have made very considered comments on them. I agree with colleagues that we have come to one of the interesting seams of detail that run through what we have to do in the Bill.

The amendments make specific and additional provision for the boundary commissions to take into account the boundaries of polling districts within their consideration of new constituencies where useable data is available. It might help the Committee if I make it clear in what way the amendment is additional to the provisions in the Bill. This is what Professor Iain McLean ended up looking for in his papers during our evidence session.

As colleagues will know, the 1986 Act is where this framework of rules is found, and within that framework of what are called "rules" are what are called the "factors" that are to be taken into account. That is where some of the debate is taking place; there will be others during the course of the Committee. The provision is additional because it would add to those factors, whereas the Bill does not. The Bill proposes to leave those factors as they are.

Mrs Miller: My hon. Friend started to talk about the factors within the 1986 Act. I hope she might have noticed that I tabled an amendment to ask the Government whether they should be rethinking their approach to those factors, particularly their approach to Ynys Môn being a standalone constituency, to join the other four standalone constituencies, which include two very near neighbouring constituencies in my neck of the woods—the two Isle of Wight seats.

Chloe Smith: I thank my right hon. Friend for presaging something that it is very important that we shall come on to. I do not wish to dance on the head of a pin, as it were. She is absolutely right that those points are made in the rules, and the factors are a subset of the rules that govern a microscopic element of the conduct.

3.45 pm

Within that set of parameters, we alight on the debate as between polling districts and wards, which this amendment addresses. If I may, if the hon. Member for Glasgow East says "cheeky chappie", I will say agent provocateur, because he well knows that this does not apply to the boundary commission that serves his constituents and the nation he particularly argues for in everything else that he does. But I welcome the debate that provides. It is right that we think about that.

The evidence we heard from witnesses showed that some boundary commissions already do this and others do not. We have heard good arguments that the Boundary Commission for England, which was the one in particular focus, could use polling district data more freely and often, as well as how that relates to the argument about ward sizes. We heard the Boundary Commission for Scotland talk about how it takes a different approach, not wanting to see a one-size-fits-all approach to polling district data. The Boundary Commission for Wales then takes a different approach, using community ward data rather than polling district data.

From those discussions, we learned that boundary commissions already used polling district data where they wished to. The commissions then have valuable discretion to use different data where that suits their context. The 1986 law—through its 2011 changes, and as it is in the Bill—allows for that flexibility and variety, and it does not preclude the use of polling district data where it is relevant.

The Government and I come down on the side of those who have argued today that it is not necessary to specify that in the law, because it can already be done, and it is being done as a matter of practice in parts of the United Kingdom. On that basis, I ask the hon. Member for Glasgow East not to press his amendment.

At this stage, I will add that I think that all the boundary commissions ought to listen carefully to the arguments that have been put, very capably, across all parts of the Committee on how that microscopic conduct of the reviews can be done to the benefit of communities. Is that not the point that runs through this? We should try to make a common-sense review that will best serve communities. That is an outcome we all look for.

There is an opportunity for the boundary commissions to think about this. There is also an opportunity, as highlighted by those evidence sessions, for the boundary commissions to learn from each other. Indeed, we saw different practices among the different commissions. I think they already hold discussions among themselves and I encourage them to continue doing so.

On what the Cabinet Office can add to that, I am open to looking at arguments for how it might be possible to facilitate such better use of data. For that, like other members of the Committee, we require that note from the Boundary Commission for England, as was promised, and then to look at the entire situation in the round. That is to say, I do not think this is necessarily something suitable to specify in a Bill, but it can be achieved through working practice.

I will come now to new clause 9 and then pause on the question that the clause stand part of the Bill, in order to come back to those—

The Chair: Order. I want to say to the Committee that our proceedings are confusing at the best of times, and this is not the best of times. Normally, we would have civil servants to my right with the Parliamentary Private Secretary close by. Notes would be helpfully passed to the Minister. We would normally have a couple of Clerks to my left, helping the Opposition with the order of our proceedings.

These are difficult circumstances and it is more than understandable that there is a bit of confusion. I ask the Minister not to respond at this point, so we can allow Cat Smith to speak to new clause 9, and then the Minister may wish to come back with her comments.

Cat Smith: To speak to new clause 9—

Mrs Miller: On a point of order, Sir David. I apologise for interrupting the shadow Minister. Can you clarify whether you are taking clause 6 stand part as part of this group? I am a little confused. I thought that we were discussing amendments 8 and 9. Are we doing the stand part debate as well?

The Chair: The stand part debate is separate. I am also in some difficulty, because this is all being organised remotely and the person who has organised it is not physically present. The right hon. Lady is quite right that it will be taken later in our proceedings.

I will say to the Clerks that, for future sittings, they may want to think about that a bit more carefully, inasmuch as Committee members are right to be confused about the order of our proceedings. As this is more or less a new Parliament; there are some hon. Members who have never served in Committee before. I will send that message so we can be more helpful in future sittings.

David Linden: Further to that point of order, Sir David. I wonder whether it might helpful for the Committee to suspend proceedings for a minute or two, until we understand exactly what is happening. I confess that in the last minute or so I have become more confused.

Ben Lake: Further to that point of order, Sir David. I echo the point made by the hon. Member for Glasgow East.

The Chair: I am not minded to pause the proceedings, because I do know what I am doing. I am trying to help everyone. If the Chair had lost control, we could do that, but we would have to have a long discussion. I ask the Committee to accept that, when we meet again on Tuesday, I will ensure that there is greater clarity to help Her Majesty's Opposition and the different parties as they wish to scrutinise the Bill, and the Government as well.

Alec Shelbrooke: Further to that point of order, Sir David. I am completely lost. Can you clarify whether we are debating amendments 6 and 7 now?

The Chair: I can clarify that very easily. I am not being rude, but, if hon. Members listen carefully, at the start of the proceedings I said, "We now come to amendment 8 to clause 6, with which it will be convenient to discuss amendment 9 and new clause 9," and I then called Mr Linden. What I said at the start was correct; it is just finessing the process. Hon. Members rightly get confused about when they can move amendments and when they can withdraw them.

I say again to the Committee that next Tuesday, we will ensure that things run more smoothly. I have just been advised that it is worth stating the simple principle that the selection list is available in the room and shows the order of debate. As a Member of Parliament, I understand that, although that is available, it is a bit like finding out that we were physically looking at the wrong Bill in our evidence session. We are all human beings and we can all make mistakes.

Chloe Smith: On a point of order, Sir David. I think I might be able to assist the Committee on how we have come to this point of discussion. When I heard you say what you have just repeated, I made a note to myself that circled the group containing amendments 8 and 9 and new clause 9, which appears in a different group on the selection list that you have just referred to. I for one have been working in an L shape, which might have

caused confusion among colleagues, because there are four different groupings of which we suddenly seem to be doing two at once.

The Chair: I am now much better in the picture than I was before. To answer Mr Shelbrooke's question, once we have dealt with the group that I announced at the start of the proceedings, we will go on to Mr Linden and deal with amendment 6 to clause 6, with which it will be convenient to discuss amendment 7.

Cat Smith: I must admit that I am still quite confused, if I am honest, but hopefully all will become apparent.

I am speaking to new clause 9, which is about the electoral registers that are used to compile the boundaries that we draw. In the written evidence submitted by Professor Toby James, a professor of politics and public policy at the University of East Anglia, it was eminently clear that in the latest estimates from the Electoral Commission there were between 8.3 million and 9.4 million people in Great Britain who were eligible to be on the registers but were not correctly registered on the December 2018 register. Since the introduction of individual electoral registration, we have seen registration become increasingly seasonal, and in his written evidence the professor outlined some of the reasons that that might be. His suggestions to the Committee are slightly outside the scope of the Bill, but I draw the Committee's attention to his paragraph 12, which suggests ways to improve the accuracy and completeness of the electoral register.

New clause 9 would include Department for Work and Pensions data to correct the electoral registers and make sure that the data that the commissioners draw on to draw our constituency boundaries are fuller and more complete than the data they currently work with.

Ben Lake: The hon. Lady makes an important point, particularly when we consider that many constituencies will be drawn on the basis of the electoral register on a particular date. I know from my own constituency that at least 6,000 students are not registered, even though, when it comes to constituency casework, I answer their queries and try to serve them, so this is an important consideration. We should try to get as full a picture as possible because, after all, that gets to the heart of representation.

Cat Smith: I thank the hon. Gentleman for making that intervention. The points that he has made during our proceedings today about the nature of his Ceredigion constituency, where the population can fluctuate, highlight the point that the data that we use have to come from a snapshot in time. However, that snapshot is often inaccurate for various reasons, including people moving house. They can delay registering or perhaps they do not register if there is no election imminent.

The hon. Gentleman mentioned students who may or may not register in one or two locations, which means that often the register is inaccurate. When we as constituency MPs hold our advice surgeries, we often support members of our community who do not fill in paperwork, which is how they can find themselves before us. One of the things that they might not fill in, because it does not feature in their lives is the form to register to vote. And yet, as Members of Parliament, we will stand up for them in a tribunal situation or we make representations to various Government bodies because we count them as our constituents and we represent them.

New clause 9 would make the data that the boundaries are drawn on fuller and more accurate than the data that they are currently drawn on. As Professor James outlines in his written evidence, different countries use different data to draw their electoral constituencies, including population data, population estimates and electoral registers that have been made more accurate by using local government data.

The Chair: It has been admitted that I was given the wrong script. Like a barrister, of course, I insisted that that was a point. However, I have powers to change the order, and that is why I have allowed Cat Smith, who was right to be confused, to make a point. The Minister has also agreed to respond to new clause 9.

4 pm

Chloe Smith: I am happy to do so, Sir David. I thank the hon. Lady for raising this interesting issue, which touches on some of the broader themes that were raised in the witness session, which we may not necessarily come to in the rest of our consideration.

As the hon. Lady explained, this proposal would insert a new clause into rule 5(1) of schedule 2 to the 1986 Act—the factors set I mentioned earlier—to add an additional factor that the commissions may take into consideration. As I understand it, she thinks there ought to be

"data from the Department for Work and Pensions about non-registered voters"

who are eligible to vote, should they choose to register.

We have already discussed, and no doubt will again, the fact that boundary reviews are conducted on the basis of the electorate. That is a major principle. The electorate are defined at paragraph 9(2) of schedule 2 to the 1986 Act as being

"the total number of persons whose names appear on the relevant version of a register of parliamentary electors."

The register of electors is used, and has always been used, because it is the most up-to-date, verified and accurate source of information we have on those who are eligible to vote. Hon. Members who enjoyed the witness sessions will recall that we had some discussion about what it means to talk in terms of completeness and accuracy. These are the signal terms we use when we talk about the electoral register.

This proposal goes beyond that because it talks about those who are not registered. I understand the desire to catch and reflect those who are eligible to vote but who, for whatever reason, have not registered to do so. However, I have to tell the Committee that there are some significant practical considerations that argue against this proposal, because it does not take them into account.

Alec Shelbrooke: I am listening carefully to the debate. Is one of the important points that we represent everybody, as the hon. Member for Lancaster and Fleetwood said? We are using a set of data taken from a set point in time and collected in a set way, but we do not just represent the people on the electoral register. We represent everybody who is in our community, including everybody under the age of 18, who are not on the electoral register.

[Alec Shelbrooke]

Whether there are more people or not, we are not disenfranchising them from the service they may receive from a Member of Parliament. That is an important distinction.

Chloe Smith: Yes, I think that is right; I agree with my right hon. Friend's characterisation. Certainly, I aspire to that in my work, and I know that will be true across the Committee. The fact of the matter is that when constructing a review, and the framework that sits around it, we need to make a definition somewhere. If we believe in equal constituencies, we have to believe in an ability to find a number to define equality, and that has always been taken to be those who are registered as voters.

Ben Lake: I appreciate the point that the Minister makes about the practicalities of us getting things right and where we draw the line, but given that we know that in certain areas—I know about some wards in my constituency—only 35% of the eligible electorate are actually registered, that is the figure that would be taken into consideration when favouring boundaries. I echo the point made by the right hon. Member for Elmet and Rothwell—we have to represent everybody. Those individuals who have not registered to vote will perhaps come to us for help and assistance. That is a point we need to explore further.

Chloe Smith: May I put on the record how much I appreciated the illustration the hon. Gentleman made to the Committee earlier about those who have second homes in his constituency? He gave a powerful illustration of the problem at hand for those who have their second homes in his constituency, perhaps in a slightly different direction in income terms from the thinking in this proposal.

Let me come to what is being asked in this proposed measure. My principal, practical point, which I make to the hon. Member for Lancaster and Fleetwood, is that the DWP does not actually have such a dataset. It does not have a dataset that specifically identifies eligible electors who are not registered to vote. In keeping with its purpose and powers, the Department holds data on those who pay tax or are in receipt of a benefit. That will certainly include individuals who are eligible to vote but not registered, and perhaps even the majority of such people—who knows?

My point is that we do not know that. However, those people would not be identifiable as such, because that is not the purpose of the DWP data. To create such a dataset, the Department would need to match its records with the electoral register, eliminate registered electors and generate a fresh, accurate list of those from its first dataset who are not registered but who are eligible to be. That would require a new data-matching process and a new power to share data for that purpose and place a new duty on the DWP. I think that the Committee will understand that I am not in a position today to accept such a new clause and argue that the DWP should proceed in that way. That is not within the scope of the Bill.

Alec Shelbrooke: I assume that I am right, although I stand to be corrected, in saying that not all voters who are registered can vote in a general election. There are voters who can vote in a local but not a general election. That is another factor that would have to be taken into account.

Chloe Smith: Here we go on the discussion of the franchise, which is a very large discussion, and I think, Sir David, you would rightly suggest we stay off it and remain within the matter in hand; but my right hon. Friend makes the point well that there are a number of different franchises in operation in this country, and there are a number of arguments for other groups to be added to the franchise. There are common arguments that those under 18, or European Union electors, should be added, but they are not in the scope of the Bill before the Committee, and in my opinion that is right. We have the correct data set, identified under the 1986 Act, as amended, and upheld in the Bill .

I hope that hon. Members will agree that the requirement that the new clause would put on the Department for Work and Pensions would not be technically correct or proportionate to its aim. I might add—although it is perhaps unwise as it might reopen the debate that we had about how the boundary commissions use data—that there is a further step that needs to be thought through, about how any such data could be used by the commissions. To use an example that I know hon. Members will appreciate, DWP records are not broken down by electoral ward—the very thing that we just spent some time discussing as the primary building block for parliamentary constituencies. A quite complex matching process would be required. That would take some time and of course doing it would have a price tag attached.

That is not the principal subject that the Committee is considering. I welcome the interest of the hon. Member for Lancaster and Fleetwood in how to include all people in our democratic process—the process represented in the Bill. She is coming from an admirable, principled place in tabling the new clause, and I have great sympathy with it, because I, like her, want as many people as possible to be registered to vote and take part, and to be counted within the purview of the Bill. However, I do not think that the new clause is a correct or proportionate way to achieve the goal.

David Linden: I think that some time has elapsed, and the conversation has moved on somewhat, since I spoke to amendments 8 and 9. I referred to myself as a cheeky chappie, and the Minister referred to me as an agent provocateur, and of course the right hon. Member for Basingstoke is right: I do not have any skin in the game in this debate, because the situation is different north of the border. However, I was genuinely interested in what came up in the course of the evidence sittings. The point brought out a degree of interest in the Committee, and I tabled amendments 8 and 9 on that basis. I think most Members will have guessed by now that they are probing amendments. I am relatively satisfied that they fulfilled the objective of stimulating debate and thought in the Government, and on that basis I thank the Committee for the discussion, and I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

David Linden: I beg to move amendment 6, in clause 6, page 4, line 36, leave out

'which exist, or are prospective, on the review date'.

This amendment removes the restriction on the local government boundaries the Boundary Commissions may take into account, rather than fixing them at a technical level as at the start of the review.

The Chair: With this it will be convenient to discuss amendment 7, in clause 6, page 4, line 38, leave out subsections (3) and (4).

This is linked to amendment 6 and removes the detailed definition of a "prospective" local government boundary.

David Linden: I rise to speak to amendments 6 and 7, tabled in my name and that of my hon. Friend the Member for Ceredigion. I do not wish to detain the Committee for long, so I will be brief in explaining the rationale behind these probing amendments. One of the clearest themes throughout our evidence hearings, particularly with boundary commissioners, was a request to leave them with as much latitude and flexibility as possible and not to tie their hands. The amendments seek to remove the restriction on local government boundaries that the boundary commission may take into account, rather than fixing them at a technical level as at the start of the review.

The use of modern technologies should give the boundary commissions the ability to adapt to local authority reviews during the course of their reviews in a way not envisaged when the original legislation was put in place in 1944. There are also likely to be local authority ward reviews all but completed at the start of the review but for which orders had not been laid to give effect to them. I am all for giving the boundary commissions the flexibility they need to get on with the job, and I hope that the Government are with me on that. The Bill helps in allowing prospective boundaries to be taken into account, but they are all fixed at the start of the review, and I am for further flexibility.

As I indicated, this is a probing amendment, so I would be interested to hear the Minister's thoughts on the merit of the suggestion and whether the Government feel that such flexibility for the boundary commission would be of use. I am happy to resume my seat and hear what the Minister has to say.

Ben Lake: I do not wish to detain the Committee for long. My hon. Friend the Member for Glasgow East explained the rationale behind the amendments and how we want to probe for a bit of debate. This gives me an opportunity to make history, potentially, because I will urge caution about accepting the amendment that I support, in the light of written evidence from Councillor Dick Cole of Cornwall Council, submitted to the Committee after the oral evidence sessions concluded. I would be interested to hear the Minister's thoughts on his letter, and particularly on the rights of Cornwall as a historic nation. Sir David, you were kind to allow me to tread on unfamiliar territory during the evidence sessions in asking about feelings about a cross-Tamar constituency. Having studied the matter further, I understand that people in Cornwall feel strongly about it, and rightly so.

The Committee's attention should be drawn in particular to a decision made by the UK Government in 2014, where they recognised the Cornish people through the framework convention for the protection of national minorities. One part of the convention seeks to protect the political integrity of territories associated with groups such as the Cornish people. When the Minister sums up, could she say whether anything can be done as part of the Bill to address such concerns? I note there are a few calls for a boundary commission for Cornwall to be set up. I would be interested in hearing what is possible, because Councillor Cole has raised valid concerns that we should at least look at.

Chloe Smith: I am sorry to add to possible confusion, but before the hon. Member sits down, is he referring to amendments 6 and 7 or to amendment 1?

Ben Lake: That is a good question. I am talking about amendments 6 and 7 in terms of the ability not to hold too tightly to local government boundaries. Of course, at the moment Cornwall Council is a local government boundary, and the amendments could allow for the Boundary Commission for England to introduce a cross-Tamar constituency, if it deemed that necessary.

Alec Shelbrooke: I am once again most grateful to the hon. Member for Glasgow East for taking the time to table these probing amendments, because this is an important part of the Bill and we should discuss whether we can assist the boundary commission when it goes about its work in England. As we know, when the quotas come out, they are based on regions, with certain regions having to lose seats and other regions having to gain seats. It seems odd that regions are broken down into specific local government authority boundaries.

I was born in 1976 and I still get grief on my doorsteps in Wetherby about the 1974 redistribution of councils, and the fact that people are now in West Yorkshire and not North Yorkshire. People tend not to ever forgive local government boundary changes even when they are long ago.

4.15 pm

Another interesting thing is that my constituency is purely in West Yorkshire; the outer boundary of my constituency is the boundary with North Yorkshire. My constituency is called Elmet and Rothwell, and the Elmet part of the name refers to the Celtic kingdom of Elmet, which roughly covered West Yorkshire. Some interesting DNA work was done about five or six years ago, which showed that the DNA of the Celtic kingdom of Elmet has not really moved beyond West Yorkshire; that was quite interesting.

However, because Elmet was a kingdom, it did not just follow boundaries as they are set down now. In Elmet, there is the village of Sherburn, which is in the seat of the Minister for Asia, my hon. Friend the Member for Selby and Ainsty (Nigel Adams). Such things make people write to me, as the MP for Elmet and Rothwell, because they live in the village of Sherburn in Elmet, so it makes perfect sense to write to the MP for Elmet and Rothwell, but of course Sherburn is separate.

This brings me back to the point that constituents—members of the public—really do not care where the line of their constituency is drawn. They can get wound up about the fact that they are in a certain county, or not in a certain county, but overall as things get spread across we are into a different area.

In Yorkshire, we understand our areas better than they do anywhere else. We try not to come back to our area all the time; we do not want to be seen as being self-interested, and things such as that. It is just that we

understand "area" better. Based on the current figures that we are using until 1 December—although that is about to change, we only have those figures to work on—North Yorkshire and West Yorkshire are half a seat too big on each side, so there has to be a crossover point. Again, this is a situation where, if we do not want to do some very odd things, the boundary commission needs to forget where the local government boundaries are and look again at the community side. That is a really important point; indeed, it goes to the heart of the Bill, as I have said before.

The amendment is a probing amendment. We should not start the process with the hands of the boundary commissioners tied and saying, "Right, let's dig into this local authorities", because there is a wider picture to consider, across many areas. I have read the evidence about Cornwall and I do not really want to get into that argument; I do not think we have any Cornish Members on the Committee. However, the important point is that the boundary commission will have heard those arguments about Cornwall; the commissioners know them at this stage.

I am sure there are many anomalies in the part of the world of the hon. Member for Lancaster and Fleetwood, the north-west. I do not know her part of the world very well at all. I have been up there—

Cat Smith: I thank the honourable Yorkshireman for giving way. *[Laughter.]* On that point, the case has been made by Cornish people that they do not wish to see a seat cross the Cornish-Devon border; I think that view is clear and unanimous in Cornwall. I support Cornish people in that. As a Lancashire lass, I would be very disappointed to see a constituency drawn up that crossed into the white rose county from my red rose county.

Alec Shelbrooke: I am most grateful to the hon. Lady for that intervention. I have often said that if God had wanted Yorkshire and Lancashire to meet, he would not have put a huge lump of granite between us.

However, there is an important point here, namely that the arbitrary nature of local authority boundaries is a strange thing. In 1974, Leeds was the only authority that got bigger; all the other authorities got smaller but the Leeds metropolitan authority swept way out of what had been the Leeds City Council area and took in areas such as Pudsey, West Riding Council and all those areas.

My constituents generally do not consider themselves to be part of Leeds. However, I am a Leeds city MP, in a county constituency and a borough constituency, which gives some idea of how that is defined in the geography of election expenses. Equally, I remember a particular opponent in one of the elections who was trying to establish their credibility to stand in the area. They went to certain parts of my constituency waving the flag about what a strong Leeds Rhinos fan they were, in rugby league. I am not a rugby league fan, and am clear that I am not, but I do know that in the areas that said opponent was talking about being a Leeds Rhinos fan, the people were all Castleford Tigers fans, so I was quite pleased with that bit of electioneering.

John Spellar: Will the right hon. Gentleman tell us which football team he does support?

The Chair: Order. We are wandering all over the show. Please may we get back to the Bill?

Alec Shelbrooke: That is well on the record in my constituency.

Mrs Miller: Hon. Members are making important points about their parts of the country, which is underlining the fact that it is different in different areas. For example, the original boundaries of my own constituency of Basingstoke went very near the Berkshire border—not a million miles away from the constituency of my hon. Friend the Member for Newbury—and parts of that part of Hampshire used to be in Berkshire and have Berkshire postcodes. People who live in that part of Hampshire think they live in Berkshire, but they do not; they live in Hampshire. There might be a little less rivalry between Hampshire and Berkshire than between Lancashire and Yorkshire, which is why sensitivity on the ground is so important.

Alec Shelbrooke: I am not a historian, but there was no war between Berkshire and Hampshire—no wars of the roses.

Christian Matheson: I am listening to the points being made by the right hon. Gentleman and the right hon. Member for Basingstoke, but I am not quite clear where the consensus lies. There is an administrative issue that I would ask him to consider when making his argument. He might not want parliamentary boundaries to reflect local government boundaries—no, to be fair, he does not want that to be a primary concern—but there has to be administration of elections, and the fewer local authorities that a constituency is spread across the better.

Once those elections have taken place, there is also less of a workload for a Member of Parliament when he or she represents one local authority, or in some cases two. It becomes difficult to represent more than two local authorities, and the level of service given to constituents is less. Will the right hon. Gentleman take that into account?

Alec Shelbrooke: I am grateful to the hon. Gentleman for making those points, because I have done some research into that. My constituency is covered only by Leeds City Council, and only five wards of it, because we have such big wards—I have 15 councillors in my constituency. In fact, in most of the Leeds constituencies, there are only four wards, which might give him some idea of where we are. In the Morley and Outwood constituency, the Outwood wards are under the Wakefield authority. The Selby and Ainsty constituency, which is in North Yorkshire, has North Yorkshire County Council, Selby District Council and parts of Harrogate Borough Council and Craven District Council. Many seats are spread over more than one local authority.

I have spoken to my hon. Friend the Member for Selby and Ainsty (Nigel Adams)—he is my neighbour—and asked him about the specifics, such as whether it creates problems. He says that, overall, he is able to deal with those areas. There is a distinction between spreading across authorities in rural areas and in joint metropolitan areas, or things like that. Perhaps that is what the hon. Member for City of Chester refers to.

Christian Matheson: The right hon. Gentleman is being generous in giving way. I am concerned about constituencies spread across more than two council

areas. Two is manageable, but I do not believe that three would be, which is why I disagree with his view that we should ignore local authority boundaries.

Alec Shelbrooke: As I said, my hon. Friend the Member for Selby and Ainsty has four local authorities in his constituency, but I seriously take on board what the hon. Gentleman says about more than two authorities. That still comes back to the point that I am making—a constituency does not have to stay within one local authority. We can keep like communities together and make that work—people want the communities that they understand—especially when a region has a situation: North Yorkshire is half a seat short and West Yorkshire is half a seat short, so there will have to be that crossover. It should not just be an arbitrary line drawn on a map; it is about having regard to like communities.

The only point that I am trying to bring out through this probing amendment—I hope the Boundary Commission for England will look at a way to do it—is that, although some of these things seem obvious, actually in communities they are not so obvious. That is why I used the example of the people of Sherburn in Elmet, who are in North Yorkshire and are covered by Selby District Council and North Yorkshire County Council. They are in a different constituency from me in West Yorkshire and the Leeds City Council area, but they think I am their MP because my constituency has the word "Elmet" in it.

There are local considerations that cannot be defined by the local boundaries. I hope that this probing amendment is able to bring out the need for guidance and advice, which we can give to the Boundary Commission and say, "These things are not as vital." I am sure that it will have heard the hon. Member for City of Chester, who said that two authorities do not seem to be a problem, but it is stretching it when we start to move beyond that.

Chris Clarkson: I will start by disappointing the hon. Member for Lancaster and Fleetwood, because there are actually a number of seats that cross the Lancashire county boundary into Yorkshire, including Ribble Valley, and Oldham East and Saddleworth. If she wants to hear how strongly people can feel about it, she should ask my hon. Friend the Member for Pendle (Andrew Stephenson) what happened when he put a red rose on Earby library.

I completely understand the depth of feeling about crossing the Tamar. Actually, Cornwall is about the right size for six seats, so that is unlikely to happen. There are actually four seats in the north-west that cross the Mersey.

We need to look at the fact that local government boundaries, as they are currently constituted after Redcliffe-Maud, are actually fairly arbitrary. Bits were hived off from one area to another based on things such as local transport links and who went to work in what area. I think that a little more attention needs to be paid to natural community boundaries when we have to look at crossing county boundaries, which will inevitably have to happen in some areas.

The hon. Member for City of Chester makes a very important point about trying to limit it to as few local government areas as possible. To the best of my knowledge, in the north-west there is only one seat that contains areas from three councils: Penrith and the Border, which is geographically massive.

Alec Shelbrooke: I am most grateful to my hon. Friend for giving way. There is something that I forgot to say, and it might add strength to his argument. There is a planning application that got kicked out by the Secretary of State that would have led to hundreds of houses being built right on the border of Wetherby, but in the Harrogate Borough Council area and North Yorkshire. Not a single person moving into one of those houses would have thought that they lived in Harrogate; they would have thought that they lived in Wetherby. That is one of the reasons why it got kicked out. Again, it is an arbitrary boundary. If someone knocks on the door of the people who live there, who are literally a 10-minute walk from Wetherby town centre, they will not say that they live in Harrogate.

Chris Clarkson: My right hon. Friend makes an extremely important point. Every Monday morning, my office sends a load of casework to the hon. Member for Rochdale (Tony Lloyd), because 30% of my seat is Rochdale and people do not automatically think that I am their MP. The reality is that if we are too prescriptive about local government boundaries, we will go back to having these odd Frankenstein seats where we are trying to conform with electoral boundaries. I do not think that being too prescriptive is the right approach.

Christian Matheson: I agree with the hon. Gentleman about not being too prescriptive, but he cannot have it both ways. As he said previously, he also supports the 5% absolute tolerance on the numbers. I am pleased to hear him talking about not being too prescriptive, so will he bear that in mind as we proceed through our consideration of the Bill?

Chris Clarkson: I can tell the hon. Gentleman that it is foremost in my mind, which is why I was very glad to have the debate that was sparked by the hon. Member for Glasgow East. We need to be less prescriptive about the units that we use to build things, but there is a common-sense approach that does not involve taking ridiculous leaps by keeping whole units together, just because they have arbitrarily been drawn one way by the Local Government Boundary Commission.

Chloe Smith: We have now tapped into one of the very rich seams of community interest and detail in and around the Bill. I will make some general comments about what clause 6 does in order to accommodate explanation of what the amendment might do. I hope that will help the Committee.

I will begin by referring back to the fact that, in coming up with their proposals, the boundary commissions have a set of factors to which they are allowed to refer. I will read out the wording, which states that commissions "may take into account, if and to such extent as they think fit". It is very clear in the legislation that that is a "may" power—it may be used and is there if it is needed—rather than being a "must". The relevant factors include geographical features such as rivers or mountains, community ties, existing parliamentary constituencies and local government boundaries. The Bill does not change that.

4.30 pm

I hope that it is a firm response for me to acknowledge what hon. Members have said about the importance of getting local government ties right for the communities

that often care deeply about them. My point is that the factors in the current legislation allow the boundary commissions to do that already. I will not be drawn into commenting on whether a cross-Tamar seat is right or wrong, although it would be fair to note that I suspect such a combination might not arise, given the shift from a basis of 600 constituencies to 650. We will wait and see.

The point I need to make is on what the clause does and what the amendment would do to it. To be able to do any of their work using any of the factors, the boundary commissions need to have a fixed picture of data. As we have already said, they need to get that from electorate numbers. It is also helpful to them to have a fixed picture of the other factors—in this case, local government boundaries. It makes no sense to be pursuing a permanently moving picture.

For the purposes of the clause, we are talking about only the date on which local government boundaries are understood, as opposed to whether local government boundaries should be understood. It is all about the data. I am sorry to be the dry and dusty one, but I have to go through the following content in order to address the amendment. The point is that under the current legislation, the snapshot in time of local government boundaries is the most recent ordinary council election day before the start of the review. If the date for a boundary review is 1 December of any one year, the boundary commissions in England and Wales will look at the local government boundaries as they existed on the first Thursday in May of that year. I happen to give an example from England and Wales; the hon. Member for Glasgow East need not read anything sinister into that.

The clause allows the boundary commissions to take account of both existing local government boundaries and those that are prospective at the review date. That is what the clause does. The review date is the formal starting point of the boundary review; in general, it would be 1 December, which is two years and 10 months before the commissions are due to submit their final reports. I think we will come to that issue when we debate another clause.

I need to explain what is meant by "prospective". A prospective local government boundary will be one that has been proposed by the local government boundary commission and set out in legislation, but where that legislation has not yet come into force for all purposes—something that usually occurs on a subsequent ordinary day of election. In the case of a local government boundary that is prospective on the review date, it is that boundary, rather than any existing boundary that it replaces, that may be taken into account by a boundary commission.

The practical effect of the clause is to let the boundary commissions consider a more up-to-date picture of local government boundaries and to let them factor that into proposals where appropriate and relevant. That may well—I certainly hope it will—provide for communities to feel more confident about the alignment of the boundaries that are used, and for the process to make more common sense all round, not least on the administrative side. Councils, councillors and MPs would benefit from that, as would the public, in the sense of reducing public confusion.

The crossing of local government and UK parliamentary boundaries cannot be entirely eliminated. It is not possible to have a hermetically clean scenario, because they are on different review cycles. That is the way we set things up in our constitution. The reviews in the Bill that we are talking about will happen only every eight years. The local government boundaries are decided on a rolling basis—that is certainly the case for the Local Government Boundary Commission for England.

The practical measure in clause 6 lets the boundary commissions start with a more up-to-date picture of local government boundaries, and to work on that basis. I mentioned earlier some of the preparatory work that had been done with administrators and parliamentary parties to test the measures in this Bill, and this is one where they were very supportive of being able to get that greater level of alignment.

I will now turn to what amendments 6 and 7 would actually do. I am sorry to say that I do not think they would quite do what the hon. Members who tabled them intended—I hope to be corrected. I believe they remove the wording that relates to whether the boundaries exist at all, or are prospective, which I do not think is what the hon. Members for Glasgow East and for Ceredigion were hoping for. It is important that we can have that effect on prospective boundaries; I hope I have dealt with that argument already. Taken together, however, that provides a cut-off date, so it gives us a snapshot, and having that snapshot—a fixed moment in time—is in itself important. Although we have made efforts to make it as aligned as possible, we still need it to be fixed.

This is where I think amendments 6 and 7 do not do what the hon. Members intend, because they take away the logical necessity to have a fixed moment. They would effectively create perpetual motion of local government boundaries by removing the idea that those boundaries have to exist at a certain point in time. There are several arguments for why that would be undesirable, two of which jump out: the first is the very nature of working to permanently moving goalposts. That would be very difficult for the boundary commissions to do—nigh on impossible, I suggest.

That is a practical argument, but there is also a slightly more philosophical one, to which I have referred. I do not think it would be right or fair to set the boundary commissions up to fail by making them open to legal challenge, or to charges of inconsistency in the processes they follow. I fear that these amendments might produce that result, because they would create inconsistency in what any commission might choose to do at any local government boundary. There would naturally be great variation across the piece. Overall, that would be an undesirable picture: at the very least, it would lead to wasted resources and delay because the commissions would have to keep redoing work; and at worst, it would create a sense of public confusion. As I have laid out, clause 6 aims to lessen public confusion, rather than increase it.

With that, Sir David, I hope I have adequately explained what clause 6 sets out to do. Forgive me if I have come on to "stand part" territory, but I hope I have been helpful, and that I have offered some thoughtful reasons as to why amendments 6 and 7 do not achieve precisely what the hon. Members hoped for. None the less, I acknowledge what Committee members have said this

afternoon about the importance of community identity and the way in which it often relates to local government boundaries. Historic counties are one example, and of course I cannot rest without putting Norfolk on the record; admittedly, we have not yet fought a war over boundaries with Suffolk, but we are just waiting for a smoking gun. These things are important to our communities and the citizens for whom we are doing all this. I therefore invite the hon. Member for Glasgow East to withdraw amendments 6 and 7.

David Linden: My intention with amendments 6 and 7 was certainly not to declare war between Norfolk and Suffolk. As I outlined in my remarks, they are probing amendments; my intention was to stimulate discussion, and I am content that that has happened. At one stage, I was almost getting ready to ask my hon. Friend the Member for Ceredigion to move over and let the right hon. Member for Elmet and Rothwell come over and join the Celtic alliance.

More seriously, I think these amendments have informed the Committee's debates, which was their objective. I am grateful for having had the opportunity to discuss them, and on that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Eddie Hughes (Walsall North) (Con): On a point of order, Sir David. I think we have had a very productive day so far, and our intention was to conclude proceedings at 4.45 pm.

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

4.41 pm

Adjourned till Tuesday 30 June at twenty-five minutes past Nine o'clock.

Written evidence reported to the House

PCB05 Professor Toby James, Professor of Politics and Public Policy, University of East Anglia

PCB06 Councillor Dick Cole

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

PARLIAMENTARY CONSTITUENCIES BILL

Seventh Sitting

Tuesday 30 June 2020

(Morning)

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

not later than

Saturday 4 July 2020

The Committee consisted of the following Members:

Chairs: Sir David Amess, † Ian Paisley

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

Sarah Thatcher, Rob Page, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 30 June 2020

(Morning)

[Ian Paisley *in the Chair*]

Parliamentary Constituencies Bill

9.25 am

The Chair: Good morning. You are all very welcome. Before we resume consideration of the Bill, I have a few preliminary points to which I always like to draw hon. Members' attention. Of course, the important one is that we must respect social distancing guidance. I will intervene to remind everyone if necessary—if we get too familiar. I remind Members to switch their electronic devices off or to silent mode. Of course, you want to bring in refreshments. I do allow that, given the detailed scrutiny that we are undertaking. I also remind colleagues that *Hansard* would be very grateful if Members emailed their speaking notes to the *Hansard* team.

The selection list for today's sittings is in front of you. Members may wish to take a copy; it is available in the room. It shows how the selected amendments have been grouped for debate. Grouped amendments are generally the same or similar. Please note that decisions on amendments take place not in the order in which they are debated, but in the order in which they appear on the amendment paper. The selection and grouping list shows the order of debates. Decisions on each amendment are taken when we come to the clause that the amendment affects.

Clause 6

Taking account of local government boundaries

Ben Lake (Ceredigion) (PC): I beg to move amendment 1, in clause 6, page 4, line 37, at end insert—

"(2A) In rule 5(1)(d) (list of factors), after "local" insert "and linguistic"."

This amendment would enable a Boundary Commission to take into account, if and to the extent that they think fit, the effect of boundary change on linguistic ties as well as local ties.

It is, as always, a pleasure to serve under your chairmanship, Mr Paisley. It is also a pleasure to kick off this morning's proceedings by speaking to my amendment 1, which hon. Members will have noticed is designed to probe the Government and provoke a debate on the nature of local ties, what "local ties" might mean, and, particularly with relevance to Wales but not just to Wales, linguistic ties. I will confine my remarks to the Welsh language, although I acknowledge that there are other languages within the United Kingdom to which some of the points I will make may be just as relevant. As I said, this is a probing amendment that I hope will spark some sort of debate.

The amendment would enable the Boundary Commission for Wales to take into account, if and to the extent that it thought fit, the effect of boundary change on linguistic ties, as well as local ties, when considering boundaries. We heard on 18 June, in the first evidence session, from Shereen Williams of the Boundary Commission for Wales. In answer to a question about local ties, Ms Williams mentioned that the commission in Wales looked at electoral wards and communities that are linked through joint programmes and projects. She went on to say:

"Also, quite uniquely, in Wales…is the Welsh language. We take it into account that you have constituencies where there are lots of links to the Welsh language. That is something we would like to keep together."—[*Official Report, Parliamentary Constituencies Public Bill Committee,* 18 June 2020; c. 20, Q37.]

My concern, in tabling the amendment, was not that the Boundary Commission for Wales takes no notice of the Welsh language and the links that communities have in certain parts of Wales—far from it. I know from past experience that the commission has been very receptive, and not just in the way in which it consults communities on proposed new boundaries; it has also taken into account, in submissions on certain proposals, what the impact of those might be on the Welsh language and the community. Rather, my concern is how the Welsh language, and indeed the local ties, will be catered for in future developments.

I know that later, when considering another part of the Bill, we will discuss the fact that Wales in particular stands to lose quite a number of seats, which has consequences for the commission's work in redrawing the electoral map of Wales. It may be difficult for the commission to cater to all the different ties that fall under the statutory rule. In response to the next question, Ms Williams from the Boundary Commission for Wales said that

"it will be just as complex as the previous reviews, because we are losing quite a lot of seats."—[*Official Report, Parliamentary Constituencies Public Bill Committee,* 18 June 2020; c. 20, Q38.]

She was referring, of course, to the change to 650 as opposed to 600. We also know that demographics and the relatively slower rate of growth in the Welsh population will mean that we will probably stand to lose further seats in subsequent boundary reviews. I am quite concerned about how the commission goes about its work to try to incorporate all the different local ties, including the Welsh language and linguistic links.

If Members needed to be convinced any further about the importance of the Welsh language in Wales, in our afternoon evidence session on 23 June, in response to a question from the Minister, Dr Larner said:

"There is a lot of very well-backed-up evidence in Wales that Welsh speakers, particularly fluent, first language Welsh speakers, tend to hold slightly different opinions on a whole range of ideas…I would absolutely say that the ability to speak Welsh is a really important part of some people's identity."—[*Official Report, Parliamentary Constituencies Public Bill Committee,* 23 June 2020; c. 128, Q245.]

I suppose that gets to the nub of the issue that I want to probe today: how does the "local ties" rule really capture the extent of the different elements that could constitute identity for some of our communities? I appreciate that identity is not something that we could ever capture perfectly, as it is very subjective. Rather, I am probing into whether under the statutory rules we can ensure that the importance and prevalence of linguistic ties, particularly in Wales, are maintained in future reviews.

Bim Afolami (Hitchin and Harpenden) (Con): With regard to linguistic ties, how does the hon. Gentleman see dialect as being included within that—not so much

the separate languages, but the separate ways and methods of communication and separate vocabulary, as seen in dialects?

Ben Lake: I am grateful to the hon. Member for that point. The debate about dialect is very interesting, and could certainly spark quite a bit of interest in Wales. He might be aware that northerners, or gogs as we call them in Wales, hold quite proudly that their Welsh is somehow superior to that of us mere mortals in the south. Of course, I am a west Walian, so I am better than both. However, he makes a good point on the distinction between dialect and language.

For the purposes of linguistic ties in Wales, I think it would be only fair for the Boundary Commission for Wales to consider the language as a whole. It would be unfair, and perhaps impossible, to draw the commission into adjudicating which dialect is more important. People feel quite passionately about whether they speak north Welsh, south Welsh, or west Walian as I do.

It is a good point, perhaps, for other languages. I do not want to interfere in the war of the roses that we had last week between Yorkshire and Lancaster, but people feel quite strongly about their dialects and accents. I would not be opposed to that being captured by the "local ties" considerations as the boundary commissions do some of their work in different regions. That would be a perfectly appropriate consideration for them to make. In Wales, I would not want the commission to have to tie too closely to the different dialects, but certainly the language itself is something that I want it to hold true to.

I reiterate that my remarks are not a criticism in any way of the Boundary Commission for Wales, which does incredible work. I fear that subsequent boundary reviews will be of greater complexity due to there being fewer seats, but the commission's operation is compliant with Welsh language standards, and I know that it does a lot of work to ensure that it works as bilingually as possible, both in terms of its day-to-day administrative operation and when it consults with different communities. That is so important, especially when consulting with Welsh language communities.

I should mention that the naming of constituencies is not an issue for anybody to be concerned about. I am quite relaxed about that. We have two wonderful languages in Wales and we are very fortunate in that regard. I am happy that the names are bilingual; if anything, it is a bonus and a win-win situation. It is not a matter of the naming of constituencies, although I know there was quite a bit of work on that in the commission's previous review.

My final point is that in subsequent reviews we may find that there are a greater number of Welsh speakers in the first place. I am happy that there has been progress in recent years in encouraging more people in Wales to be bilingual. This may well be a fear we need not address in the future, but at the moment it would be good to know how the different considerations that we can capture under local ties are prioritised, whether there is a hierarchy and how that works. In future reviews, if Wales has a smaller number of seats to divide the electorate, I would be concerned that the Welsh language may be a secondary or tertiary consideration, and would be relegated in that sense. Naturally, I would oppose that.

Can the Minister say how the Welsh language will be treated in future reviews, especially when the task of allocating seats within Wales will be far more complicated? I would be grateful. Diolch, Mr Paisley.

The Chair: Before I call the right hon. Member for Basingstoke (Mrs Miller), I remind Members that Tony Bellringer submitted a paper late last night. You should have an electronic copy of that. There are no hard copies, but there is an electronic copy.

Mrs Maria Miller (Basingstoke) (Con): It is a great pleasure to serve under your chairmanship again, Mr Paisley, in a much cooler room.

I commend the hon. Member for Ceredigion on his amendment. He has made an extremely strong case for the importance of recognising language. I know how important the Welsh language is. I was brought up in south Wales, albeit not west Wales, and we all have views on the parts of Wales we know and love well. Now, more than when I was at school, Welsh is a living language. I commend everybody who has made that possible.

Within the rules that are already set out in schedule 2 to the Parliamentary Constituencies Act 1986, "local ties" can take account of language. Indeed, in the hon. Gentleman's own advocacy for his amendment, he set out clearly that the boundary commission is already receptive to arguments made with regard to the Welsh language and it has already been shown that Welsh can be taken into account in the local ties.

The reason I have chosen to speak to this amendment is that I want to share with the Committee a way that we might think about this. There are lots of different ties that can be called local ties, including language. My concern about specifying language on the face of the Bill would be the impact that that might inadvertently have on other local ties. By having language on the face of the Bill, it might imply that other local ties that are not specified in that way may not be taken into account, or not be treated as well as they might have been in the past.

I understand the hon. Gentleman's argument and why he wants to put it forward, but my concern is that that might inadvertently affect the way the boundary commission views other local ties. I hope that the Minister, while listening to the point, will see that the Government should not accept the amendment at this point.

Cat Smith (Lancaster and Fleetwood) (Lab): It is a pleasure to serve under your chairmanship, Mr Paisley. I rise to support the arguments made by the hon. Member for Ceredigion about the ties that are the Welsh language. I do not think it is possible to overstate the fact that the Welsh language is a cornerstone of Welsh identity. Although in the past we have seen a decline in the Welsh language, that is now reversing with the Welsh Government's target of 1 million Welsh speakers by 2050. The hon. Gentleman's arguments may one day become quite irrelevant if Wales is entirely full of Welsh speakers.

We have previously referred to the Council of Europe's Venice commission, which recommends that boundaries be drawn

"without detriment to national minorities".

[Cat Smith]

Welsh language speakers are a national minority who require protection within this legislation. Welsh language ties are an important part of identity, and I would like the Minister to provide some clarity about the use of the Welsh language as a factor in the commission's decisions. Language is an indicator of local ties. Although I do not speak Welsh myself—dwi ddim yn gallu siarad Cymraeg—and my life is probably all the poorer for it, I recognise the importance of the Welsh language to the Welsh identity, as does the Labour party. I therefore congratulate the hon. Member for Ceredigion on having tabled this amendment.

Alec Shelbrooke (Elmet and Rothwell) (Con): It is a pleasure to serve under your chairmanship again, Mr Paisley. I congratulate the hon. Member for Ceredigion on having tabled this probing amendment, because our whole debate about clause 6 has emphasised the point about local ties and local communities. We must use this Committee to emphasise to the boundary commissions that although we do not necessarily need to legislate—the hon. Member for Ceredigion presented this amendment as a probing amendment, to spark that debate—we are discussing a very important section of this Bill, as I said last week, and it is incumbent on the boundary commissions to take notice of what has been said.

Rule 5 in the 1986 Act is exceptionally important. One can only draw on one's local experience, so I come back to Leeds, because that is my area; it is where I live in Yorkshire, but there is a world of difference between inner Leeds and outer Leeds. The communities are very different. I have made reference to the long-serving previous Member for Leeds East, George Mudie, who was horrified at the thought of such different communities coming into an area that he had represented for so long. I hope that when the boundary commissions do the reviews, they take real notice of the debates about clause 6. Intelligent and sensible points have been made by Committee members on both sides of the Committee during this debate, which should act as the key guidance. Rather than us putting things on the face of the Bill, the commissions should consider the over-driving will and well-thought-out arguments in all the areas we have debated.

Again, I congratulate the hon. Gentleman on having tabled a thought-provoking and important probing amendment to this Bill, because it is important that we probe all of its aspects. Everything that has been said during this debate—even on the comical side, such as the hon. Member for Lancaster and Fleetwood, on the other side of the Pennines, and I joshing last week about the wars of the roses—shows the importance of local identities and how they are put together. That is a very important aspect, and I hope the boundary commissions will take notice of it when they are drawing up their first draft.

Christian Matheson (City of Chester) (Lab) *rose—*

Shaun Bailey (West Bromwich West) (Con) *rose—*

The Chair: We now have a brace of speakers. I remind Members that they should confine their comments to amendment 1 proposed to clause 6, as there will be an opportunity to speak on clause stand part.

Christian Matheson: It is a great pleasure to see you in the chair again, Mr Paisley. I will speak very briefly, reflecting on the contributions made by right hon. and hon. Members.

I agree with the right hon. Member for Elmet and Rothwell: this is a thoughtful and thought-provoking amendment. Somebody with my own experience would not necessarily have thought of it, but I am now giving it great consideration. However, having listened to hon. Members from both sides of the Committee, my concern is that although we can discuss what is important and what we want the boundary commissions to regard as important factors when deciding boundaries, none of them is relevant as long as we have such a tight variance—5%—around the quota that trumps everything else. The Committee has already considered this. Something as important as language and identity, which the hon. Member for Ceredigion has spoken about, simply will not get a look in because nothing else matters. I ask the Committee to bear that in mind.

I do not know whether the hon. Gentleman intends to press his amendment to a vote—we will wait and see what his decision is on that—but I ask hon. Members to think about that as we progress through consideration both of the amendment and of the rest of the Bill. Members on both sides of the Committee talk about the importance of community, of identity and of keeping together communities that share common interests, but unfortunately none of that will make a difference when the commissioners come to do their work, because of the very tight variance that we are asking them to use, which is the only consideration in the Bill.

9.45 am

Whether or not the hon. Gentleman presses his amendment to a vote, having provoked me and other hon. Members to think about those forms of identity and community, which I am certainly for, I hope that we will give those matters real thought and consideration and not shackle our hands and those of the commissioners when they are doing their work.

Shaun Bailey: It is great to see you in the Chair again, Mr Paisley. I thank the hon. Member for Ceredigion for his probing amendment. I am a something of a fledgling Welsh speaker and taught myself in his constituency. Ydw, 'dwi'n gallu siarad Cymraeg—ddim yn rhugl, ond yn iawn. Diolch yn fawr iawn. {*Translation: Yes, I can speak Welsh—not fluently, but okay. Thank you very much.]*

My right hon. Friend the Member for Basingstoke made a really pertinent point—my one concern is that the amendment could better limit how it define local ties— but the hon. Gentleman makes some really good points about language. Unless someone has been there and experienced a language in a community, they can never fully appreciate it, particularly in Wales. I speak of Wales because in my experience, the language, the community and the identity are so fundamentally ingrained there, meaning that the level of conversation and the way it flows is totally different depending on whether it is in Welsh or in English. That needs to be experienced as a Welsh speaker.

As many hon. Members have said, this is a really interesting probing amendment and it is great that the hon. Gentleman has tabled it so we can think about that. Hopefully, reaching 1 million Welsh speakers,

which I think is an absolutely vital goal set by the Welsh Government and one with which I agree, will change the dynamic. I was pleased to hear in our evidence sessions about how the Boundary Commission for Wales takes language into account, which we saw in the proposals for the joined-up constituency of Ceredigion and Machynlleth in the aborted review; language played some role in drawing that boundary.

The hon. Gentleman is absolutely right: we cannot forget linguistic considerations. However, as my right hon. Friend for Basingstoke said, we need to be really careful not to constrain ourselves, so I cannot support his absolutely fantastic amendment, which I hope the Minister will consider carefully none the less.

The Minister of State, Cabinet Office (Chloe Smith): It is a pleasure to serve under your chairmanship, Mr Paisley. I echo right hon. and hon. Members in welcoming this debate and the very thoughtful way in which the hon. Member for Ceredigion has proposed his amendment. It is important that we look at those issues, and he has given us great food for thought in the way that he has presented the topic.

That said, I will argue that the proposal should not form part of the Bill, and will do so on the basis of a point that we have covered a number of times in our deliberations so far, which is that we ought to retain the framework of factors in the schedule to the Bill at a relatively high level, thereby giving flexibility to the boundary commissioners rather than being any more specific. To be clear, we are talking about the list of factors in a specific paragraph of the schedule to the Bill. As the Committee will be aware, any boundary commission may take those factors into account when making recommendations if, and to the extent that, it sees fit. Those factors already include any local ties that would be broken by changes in constituencies.

I will make just one other preliminary point before I go on to how the boundary commissions have already been able to accommodate the importance of the Welsh language. It is that the amendment would have to apply to all the boundary commissions. The nature of putting something into these factors is that it would have to apply across the United Kingdom. Hon. Members might question whether that would be appropriate for the other boundary commissions to the extent that the hon. Gentleman has argued it is appropriate for Wales. There are some questions there. For example—Mr Paisley, I hope you do not mind me saying so—it is obvious that in Northern Ireland this would be quite a particular argument to put in the context of language and culture, which would have different effects from those in Wales, Scotland or England. For that reason alone, I hesitate to accept this amendment.

That said, the Welsh language is very important. It is an official UK language and one of the great inheritances of our Union, which we all have a responsibility to protect and develop. It is a manifesto commitment of this Government to support the ambition for 1 million people in Wales to be able to speak Welsh by 2050 and I am delighted that there are some in the Black Country as well, as demonstrated by my hon. Friend the Member for West Bromwich West. The UK Government are working closely with our counterparts in Cardiff on that commitment. I am pleased to say that 11 UK Government Departments have implemented their own Welsh language schemes, too.

In 2017, the Boundary Commission for Wales voluntarily adopted the Welsh language standards that became applicable to its sister organisation, the Local Democracy and Boundary Commission for Wales. It reports annually on how it has delivered against the Welsh language standards. The most recent report outlined that the Boundary Commission for Wales had implemented a language preference system for all correspondence with the public and confirmed that it published all online and offline material bilingually at the same time.

A critical part of the commission's work is its extensive public consultation. We have touched on this in other parts of the debate. Equal status is given to Welsh and English throughout these consultations. I think that is very important, because it allows people to be able to advocate for their views in whichever language they are most comfortable with.

As the hon. Member for Ceredigion set out, the Boundary Commission for Wales already seriously considers Welsh language issues and links under the "local ties" factor. At the 2018 review, the boundary commission moved to designating all constituencies in Wales with English and Welsh names, as the hon. Gentleman mentioned. I can give some examples for the benefit of the Committee of how the boundary commission takes account of language.

During the 2018 review, a report by the assistant commissioners into the proposed constituency of Gwynedd noted that there was strong support for including four particular electoral wards in that constituency,

"because of the strong Welsh language, social and economic ties between that area and Gwynedd."

[Interruption.] Did my right hon. Friend the Member for Basingstoke wish to intervene?

Mrs Miller: No, I just cleared my throat.

Chloe Smith: It was so emphatic that I thought it was another marvellous point coming from my right hon. Friend. Let me meet that noise of approval with another example from the 2018 review about naming constituencies. The commission initially proposed naming two constituencies in alphabetical order: "Colwyn and Conwy" and "Flint and Rhuddlan". However, the order of these names was reversed in the final recommendations after the commission received advice about

"a Welsh language convention of naming geographic place names from north to south and from west to east."

I make no comments about the merits of north, south, west or east Wales. The hon. Member for Ceredigion has already done that very capably. I should also note that the Boundary Commission for Wales raises the issue of Welsh language links in the meetings and briefings with the various political parties at the start of any boundary review, and it is open to the parties and members of the public to raise Welsh language links in the extensive consultation carried out during a review.

I hope that I have provided reassurance that the law as drafted already gives the boundary commissions—in this case the Boundary Commission for Wales—all they need to take account of languages and how they contribute to local ties. This is a pressing case in Wales. I hope the examples I have given show that that is already happening in action. On that basis alone, I suggest that the amendment should not be accepted.

[Chloe Smith]

However, I will advance one other, perhaps darker and more serious argument than the one the hon. Member for Ceredigion intended, and I certainly do not cast aspersions on him for making those points. I want to highlight a slippery slope that could occur with such an argument. It is right that the legislation does not set out characteristics of people, but sets out characteristics of place. There is an important moral dimension to that. It is easy to foresee a slippery slope, whereby other characteristics of people could be argued for in terms of how constituencies ought to be drawn. Although we have not given him much time yet in our debates, we could think back to Governor Elbridge Gerry in 1812 in Boston who did that. Of course he gave his name to the term "gerrymander", because he created a constituency that looked like a salamander that had the characteristics of people that he wanted to be seen in one constituency. We should be cautious about the idea of opening up to placing people together because they have a certain characteristic, as opposed to local ties of place, which perhaps give a more respectable way to look at community. I am conscious that the hon. Gentleman certainly did not go that far in making his argument, and I would not want to say that he had done so. I am grateful to him for his thoughtful presentation of the issues, but I hope that the set of arguments I have put both demonstrate how the language is rightly taken into account, and show some of the dangers of going further with the amendment. I urge the hon. Gentleman to withdraw it.

Ben Lake: I will keep my remarks brief. As I set out earlier, amendment 1 was a probing amendment and I am pleased with the debate we have had. We have not only highlighted the importance of the language in Wales, but had a bit of a discussion about what constitutes local ties, and how we might try to balance them out. I agree with the Minister that the Boundary Commission for Wales has done sterling work in the conservation of the language and in adopting the Welsh language standards voluntarily. I know from experience in my own part of the world that in the proposed boundary change of 2018—or even before that; I have lost track—the Welsh language was a key consideration that informed the final recommendation. In no way did I try to criticise the work of the boundary commission in tabling the amendment. The boundary commission does very good work. My concern relates to how local ties are balanced in the future, but I accept the point about not only the appropriateness of having the language on the face of the Bill, but the possible unintended consequences for the boundary commissions. With that in mind, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

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

Chloe Smith: I managed to give some of the principal arguments for clause stand part earlier, so I will not detain the Committee long. If hon. Members can bear to think back to what was said, I explained why clause 6 was important in allowing a fixed picture of local government boundaries to be taken into account, and explained the necessity of fixing that point in time. I also explained the rationale for our inclusion of prospective changes in the Bill. Having heard no further questions or comments on any of those points, I hope that the clause will stand part of the Bill.

10 am

Mrs Miller: This will probably be a slightly longer speech than I would have hoped given the note that we received from the boundary commission last night. Now might be a relevant point to discuss the content of that note, although it will not necessarily be easy given that we have had it for such a short period. The reason why it is relevant to discuss it at this point is that clause 6 refers to the rules to achieve the overall objective in the Bill, which is to create constituencies of equal size, and those rules are set out in schedule 2 of the 1986 Act. Therefore, in this stand part debate I would like to talk about three different points so that the Minister might be able to respond and so that they are on the record for the boundary commission to understand the importance of these things to getting this right.

The first point is the content of the boundary commission's note, which will help us create equal-sized constituencies by looking at sub-ward level. The second point is about protected constituencies, which I know we will come on to when we consider my string of amendments to the schedule, but I will briefly touch on it. The third point is how we take into account future growth, which I raised in an evidence session, but it was interesting that nobody really answered the question, so I am going to raise it again for the Minister to perhaps respond to.

Looking at the first issue, the number of electorates per constituency at sub-ward level, I put on record my thanks—and I am sure the thanks of the whole Committee—to Mr Bellringer of the Boundary Commission for England and his team for the note of 29 June and such a rapid response to the issues raised when he gave evidence. The lengthy note we received uncovers that we have hit upon something important. My right hon. Friend the Member for Elmet and Rothwell and others made the point several times that it is important that, first and foremost, we look at equality in the context of local ties. I think the only issue I take with the note from the boundary commission is the assertion that wards always—they say generally—

"reflect communities of broad common interest in an area".

I think they mostly, but not always, do that. We could all give great examples of where wards even in our own constituencies do not particularly reflect communities of broad common interest.

Alec Shelbrooke: I thought I would intervene on my right hon. Friend rather than make a speech later because she is making absolutely the right points to sum up this stand part debate. A very important line that I picked up in the letter said that,

"wards generally reflect communities of broad common interest in an area, and to split them therefore risks splitting local ties".

My right hon. Friend will agree that we do not want to argue with that statement, but that should also be the guidance for forming the constituencies: if the commissioners recognise that at ward level, they must recognise it at constituency level as well when choosing the wards that they are going to build constituencies from.

Mrs Miller: My right hon. Friend makes an extremely important point. Again, we can all think of constituencies, either our own or in our area, where that will be a considerable challenge for the boundary commission—where, in their words, there is going to be a significant review of constituency boundaries, particularly in constituencies such as mine, where the town of Basingstoke is now, one could argue, really too big to be one constituency. The debate is important and the Committee has shown the value of the process in raising this.

I note from the boundary commission's response that they are not against looking at sub-ward level splits, which is obviously a matter of fact and they have done that in the past. However, I sense a reticence there for the future. I hope when the Minister responds she can underline the importance of ensuring that reticence is alleviated. Mention is made of the cost of splitting wards and pulling together data at a sub-ward level. There is a great focus on polling district data, which was not the only source of information that was mentioned in the evidence sittings and our debate. Yet the focus in the Boundary Commission for England's response seems wholly to be on that form of information. Scotland and Wales already use postcode data, yet no mention is made of that in the response.

Chris Clarkson (Heywood and Middleton) (Con): The boundary commission settled on the fact that it has to be units available across the entire country and then solely focuses on polling districts, which we have already said are subject to political considerations. What are not, of course, are postcode areas, which also represent, broadly speaking, cohesive communities. Does my right hon. Friend agree that that is an area that the boundary commission should consider?

Mrs Miller: My hon. Friend is right. It feels to me that the issue needs further consideration by the boundary commission. It is a great shame that even though it has already done an extensive piece of work with Ordnance Survey, surveying polling districts between 2013 and 2018—at a cost of a quarter of a million pounds, according to the note—there still seems to be resistance to looking at that in more detail or, as my hon. Friend suggested, at other data sources, which are presumably much more readily available. I understand that the Post Office delivers post every day, and therefore must update its information on a regular basis—particularly when new houses are built. Many of us will have had constituency casework on that issue.

Perhaps individual political parties might want to pick that issue up with the boundary commission. My feeling is that the Committee would want to press further for it to look at it in more detail.

Alec Shelbrooke: Is not the point—and the thing that we are trying to avoid—the fact that in previous boundary reviews there have been significant changes from draft 1 to draft 2, when things have moved to the evidence stages? Is not it better for the boundary commission to approach the matter with the advice and thought provided by the Committee, to try to get draft 1 right, so that there will just be minor changes in draft 2?

Mrs Miller: There is an old adage in the business world about doing the right thing right. Yes, the commission should do the right thing right first time, and not create re-work. I note from the letter that the Boundary Commission for England wrote to the Committee that it recommends that it should give priority to mapping metropolitan areas, given the late stage we are at, and the concerns it might have about being able to map the whole country at this stage. I think that that is part of the answer, but, as my hon. Friend the Member for Heywood and Middleton said, there is also room for it to look at other datasets, so that it will not be quite so focused on just one solution. I note from the submission that one member of staff was given the matter as a project. Perhaps if a little more resource was put into it, it could be turned around a little more quickly.

I am not quite sure how the Committee can put further pressure on to the boundary commission, but my ask to it would be why it is not looking at other datasets and why it cannot resource the matter more. Surely the Government, for whom the project is important, would want to look at any suggestion of additional resources that are needed to complete the work in a reasonable timeframe so that such data could be available, whether that is only for metropolitan areas or for a broader cross-section of the country.

The second issue that I wanted to turn to, briefly, is protected constituencies. Clause 6 touches on the rules in schedule 2 and I think we can be more ambitious for the Bill, in relation to using the concept of protected constituencies not just in England and Scotland but Wales. We will discuss two amendments on that later in our proceedings, when we can pick up on some of the issues raised by the hon. Member for Ceredigion and show our understanding of the importance of community. As a kingdom of islands, sometimes we need rules in place to respect that unique nature of the United Kingdom. We will come on to that shortly.

My final point is on taking into account future growth, which I raised with a couple of our evidence givers. I suppose I am thinking about constituencies like my own, Basingstoke, which has grown significantly in the past three decades, from being a sleepy market town predominantly surrounded by the most amazing and beautiful Hampshire countryside, when it was the constituency of David Mitchell, the father of my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell), to what it is today, which is one of the top 10 centres of employment in the south-east—still surrounded by the most amazing and beautiful Hampshire countryside.

To the west of the town is a major development area by the name of Manydown, in the constituency of my hon. Friend the Member for North West Hampshire (Kit Malthouse). No houses have yet been built, but they will be, and to stop unnecessary change in the future it will be important for that in some way to be taken into account geographically in the setting of the boundaries.

Please do not get me wrong: I am not asking for that to be taken into account in the quotas, but surely with such major areas, which have already had many hundreds of thousands if not millions of pounds-worth of development put into planning for the future, it would be an unnecessary change pending in the future for it not to be taken into account. I am sure every single Committee member can think of somewhere in or near their own constituency where that would be the case.

Given that one of the factors in the rules—I think I have this right—is that we can look at such things for the future, I hope that the boundary commissions will

[Mrs Miller]

be able to think about the geographical nature of what they do, not just the numerical population-based nature of it. However, I did not get a sense from their response, or from others, that that was something they were focused on yet. I hope that we can register that with them at this early stage, to stop what my right hon. Friend the Member for Elmet and Rothwell said in his intervention on planning for the future and instead to get things right first time.

Christian Matheson: I find the right hon. Lady's contributions thought-provoking and very helpful. Mr Speaker—

The Chair: Thank you!

Christian Matheson: Mr Paisley! Not yet—maybe next year.

May I express a sense of frustration at what I am hearing in Committee, including from the right hon. Member for Basingstoke, who has just spoken? She was absolutely right to talk about the importance of geographical nature as a consideration for the commissions, not just numerical nature.

As with the previous section of the debate, however, I worry that we are making heavy weather of the whole process. We have been talking about splitting wards and how the Boundary Commission for England—in particular, with Mr Bellringer's note to us from last night about splitting wards—might somehow obtain data to help it split wards more accurately, or split streets, and perhaps we can even use postcode data. The hon. Member for Heywood and Middleton talked about using postal districts—I think I am roughly quoting him correctly.

We are making extremely heavy weather of something that we need not make heavy weather of, because the answers are already there. The only reason we have these difficulties, these problems and this debate is that the one consideration that the Bill gives to the boundary commissions is the tight 5% tolerance. Everything else flows from that. The right hon. Member for Basingstoke rightly talked about the importance of geography, not just numbers. Unfortunately, everything else that the Bill does denies that hope. We cannot have it both ways. We are making it difficult for ourselves, and for the boundary commission, by making everything else subservient to that one numerical fact.

10.15 am

There is consensus that we need to equalise, as far as possible, the size of constituencies, and that the disparities in size are clearly undesirable and unacceptable. However, even if the proposal to bring us down from 10% to 7.5%—the Committee has already considered that, so I will not stray too far, Mr Paisley—would give us some level of parity and equalisation, we are tying the hands of the boundary commissions far too much. Every other consideration that hon. Members keep mentioning frankly becomes irrelevant. It is the same argument as it was for the Welsh language. It is a great idea, but unless we show a little more flexibility on the tolerance around the national average it is, frankly, unachievable.

Alec Shelbrooke: We are almost straying into new clause 2, which I think we will debate this afternoon. The hon. Gentleman is talking about how much easier it is with the 7.5%, and I hope that we can explore that further. In Leeds and in Kirklees, two West Yorkshire constituencies, 7.5% does not do it; we still have to split wards. Perhaps he can challenge my argument this afternoon.

Christian Matheson: I would not challenge the right hon. Gentleman. I take the advice that his local knowledge makes him an expert to give. We listen to each other and say, "Actually, in those circumstances it wouldn't work." However, the number of areas where we would not need to do that would be far fewer. I think that the Leeds issue, with wards of 17,000, is quite an extreme one. I suspect that some of those will have to be split anyway, but we make heavy weather by making the number of those instances, and their frequency, much greater as a result.

Mrs Miller: I am intervening only because the hon. Member referred to what I said. To be clear, what I am calling for is more rigour in the process. I do not hold with his assertion that by giving people more leeway we will get a better answer. We need more rigour in what is being done, and more detail from the boundary commission, to ensure that the commission comes up with the right answer and we get equal constituency sizes. There will always be special cases—that was the point that I was making—and they have to be recognised, but I was not calling for a more lackadaisical approach; I was calling for more rigour and detail in the system.

Christian Matheson: I am grateful to the right hon. Lady for that clarification. The point that I was making in response to her speech and other contributions was that as long as we insist on 5%, none of the other considerations that hon. Members across the Committee are calling for will be possible or indeed relevant. I believe that it is important, for example, to have community ties. Language ties had not occurred to me until they were raised by the hon. Member for Ceredigion in relation to the previous clause. I found that very thought provoking, but there has to be a balance between the aim of achieving equal-sized constituencies and achieving the community ties for which hon. Members are calling. Unfortunately, at the moment we are not hitting that balance.

Chloe Smith: I will keep this fairly brief, but I wish to take a moment to acknowledge the arguments made by my right hon. Friend the Member for Basingstoke and other members of the Committee regarding the evidence that the Boundary Commission for England has now provided to us. I confirm that I will look at this matter in the Department to see whether there are any ways that the non-legislative side of it could be taken forward. I am not in a position to say anything more about that at this point, but I wanted to acknowledge it now as part of the stand part debate on clause 6.

Question put and agreed to.

Clause 6 accordingly ordered to stand part of the Bill.

Clause 7

Alteration of the "review date" in relation to the 2023 reports

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

Chloe Smith: Hon. Members will remember that clause 1 made certain changes to the timing of boundary reviews; it did that by establishing the end dates of boundary reviews—namely, the dates by which the boundary commissions must submit their reports to the Speaker. We discussed then how the next boundary review, starting in 2021, would have an end date of July 2023, to allow a slightly compressed timetable of two years and seven months for that review only. The intention there was to provide the best possible chance of the new boundaries being in place ahead of the next general election.

Clause 7 is the other side of the same coin. It sets the start date for the next review. The formal start date of a boundary review is known as the review date, and the Parliamentary Constituencies Act 1986 defines it as being two years and 10 months before reports are due to be submitted. Clause 7 amends the 1986 Act—I am talking now about rule 9(5) in schedule 2—making a change for the next review only, by maintaining the review date of 1 December 2020. For all subsequent boundary reviews, the review date will continue to be two years and 10 months before reports are due to be submitted.

As we have already discussed, bringing this back up to the general level of the arguments on this Bill, it has been well over a decade since the results of a boundary review have been implemented. Our constituencies are therefore based on electoral data that is up to 20 years old. The purpose of this provision is to ensure that the next boundary review, starting in 2021, finishes as promptly as possible, but without compromising the processes of the boundary commissions. The timetable of two years and seven months has been discussed with the boundary commissions and with parliamentary party stakeholders who, as I outlined in an earlier session, all support the move. I therefore hope that it will also have the support of this Committee as well.

Question put and agreed to.

Clause 7 accordingly ordered to stand part of the Bill.

Clause 8

REMOVAL OF DUTY TO IMPLEMENT, ETC. IN RELATION TO CURRENT REPORTS

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

Chloe Smith: It is that part of the morning, Mr Paisley, where you keep me on my feet all morning, going through a rattle of clauses. Here we go.

The Chair: The smiles on colleagues' faces cannot be hidden.

Chloe Smith: Exactly; the audience awaits—or, as my three-year-old managed to learn to say the other day, "And the crowd goes wild!". That surprised me coming out of the mouth of a three-year-old, but perhaps the same will be true of the Parliamentary Constituencies Bill Committee.

Christian Matheson: Just wait and see.

Chloe Smith: What does clause 8 do? It removes the legal obligation to implement the 2018 boundary review. As hon. Members will recall from when we discussed clause 5, the Bill will amend the existing legislation to ensure that we continue to have 650 parliamentary constituencies, as we do now. In order to achieve that, clause 5 set the number of constituencies at 650 for future reviews. That in itself does not resolve the current legal obligation on the Government to implement the 2018 boundary review, which was based on 600.

The boundary commissions have submitted their final reports for that review, but the recommendations have yet to be brought into legal effect. Clause 8 therefore brings the 2018 boundary review to a close without implementation. It removes the Government's obligation to bring the recommendations of the 2018 review into effect, because those proposals would take us down to 600 constituencies at the next election, which this Committee has already agreed is undesirable.

Under this clause, that obligation would be removed retrospectively, with effect from 24 March of this year. I can explain that specific date to the Committee: it is the date on which the Government announced their intention to retain 650 constituencies in the written ministerial statement that I laid before the House. Without this clause, there would be a very irregular situation. We would be legally required to implement the 2018 review and implement the reduction to 600 constituencies at the next general election. I think that this Committee would agree, having already taken the decision to move from 600 back to 650, that that situation would be confusing and undesirable. Therefore this clause, although technical, is important and I urge that it stand part of the Bill.

Cat Smith: I will make a brief comment, not least to give the Minister a breather and a chance to get some water as she rattles through the clauses. I just ask her whether she is pleased to be able to have clause 8 in the Bill because the 2018 review did not have the automaticity clause that future reviews will have.

Chloe Smith: The debate would not have been complete had the hon. Lady not raised that point. I think it is fair to say that we have answered that one comprehensively in the course of these Committee proceedings so far; and given that we have also already agreed that automaticity is the right thing to do in this Bill, I am not going to entertain the argument any further.

Question put and agreed to.

Clause 8 accordingly ordered to stand part of the Bill.

Clause 9

REMOVAL OF DUTY TO REVIEW REDUCTION IN NUMBER OF CONSTITUENCIES

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

The Chair: Déjà vu, Minister.

Chloe Smith: Here we go again, Mr Paisley.

This clause is connected to clause 8, in that, as I have already said, the Bill seeks to maintain the number of constituencies at 650, reversing the changes from the Parliamentary Voting System and Constituencies Act 2011 that provided for 600. Section 14 of the 2011 Act also imposed a requirement on the Government to make arrangements for a committee to carry out a

[Chloe Smith]

review of the effects of the reduction to 600 constituencies. I know we all love being on committees, but I think we can agree that we do not need another committee to do that particular function, having just agreed clause 8 and, earlier, that there should be 650 constituencies. Therefore we are cancelling those arrangements. They would have been required to be made no earlier than 1 June 2020 and no later than 30 November 2020—in other words, this year. As the reduction in the number of constituencies has not taken effect and clauses 5 and 8 already stand part of the Bill, the duty to review the reduction in the number of constituencies is entirely redundant.

Like clause 8, this clause is retrospective, and it will be treated as having come into force as of 31 May this year. That is obviously the day before 1 June—the start of the period within which the Government were to be required to make arrangements for a review to be carried out. Without this clause, the Government would be legally required to make those arrangements to undertake a redundant review, so I urge hon. Members, on the grounds of sensible work and governance and the need for no more committees, to support the clause's standing part of the Bill.

Question put and agreed to.

Clause 9 accordingly ordered to stand part of the Bill.

Clause 10

Effect of Orders in Council under the 1986 Act on NI Assembly constituencies

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

Chloe Smith: Clause 10 makes a different kind of provision, and it will take me a little while to explain the detail of it, so I trust that the Committee will bear with me while I do. This clause makes specific provision in relation to Northern Ireland and how boundary review recommendations are brought into effect there. I shall make a couple of preamble points that outline related legislation.

First, existing legislation—the Northern Ireland Act 1998—dictates that constituencies in Northern Ireland automatically mirror UK parliamentary constituencies. Therefore, when a boundary review is brought into effect for the United Kingdom, the constituencies for the Northern Ireland Assembly, each of which has five Assembly Members, will automatically change. Currently, that change happens at the next Assembly election. By the bye, this is not the case in either Scotland or Wales, where the boundaries used for the devolved legislatures are not linked in law to UK parliamentary constituencies, and are devolved matters.

The other point to bear in mind at the outset is that the Northern Ireland Assembly has scheduled elections, so we can predict when there will be moments when a UK parliamentary boundary review will finish close to an upcoming Stormont Assembly election. One of those moments, we can foresee, is in 2031/32. In addition, if, as there has been in the past, an unscheduled Assembly election were to be triggered close to the end of the boundary review, it would be important for there to be clarity about the boundaries to be used.

10.30 am

The clause creates a buffer period between new UK parliamentary constituencies coming into force and them being used for elections to the Northern Ireland Assembly. It amends the Northern Ireland Act 1998 to ensure that if the period between the boundary review recommendations coming into force and the notice of election for an Assembly poll is less than six months, that poll will be conducted according to the old constituencies. The notice of election that I referred to must be published at least 25 working days ahead of an Assembly election, so in effect, if there is a Stormont election within six months and five weeks of the new parliamentary constituencies coming into effect, that election will be run on the old boundaries.

One exception to that is if, during the six-month period, the UK Parliament was dissolved prior to a general election, the new constituencies would also be used for a subsequent Northern Ireland Assembly election. It would clearly not make sense, and would cause some public confusion and complication for the administrators, to have a general election in Northern Ireland on one set of new boundaries and then revert to an older set of boundaries for an Assembly election following shortly thereafter. That is the exception to what clause 10 does more generally.

Clause 10 is a sensible provision. It has been developed in close consultation with the Northern Ireland Office and others, and it takes into account the specific nature of Assembly elections in Northern Ireland.

Question put and agreed to.

Clause 10 accordingly ordered to stand part of the Bill.

Clause 11

Minor and consequential amendments and savings

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

Chloe Smith: On a point of order, Mr Paisley. Are we dealing with the schedule and its amendments after the stand part debate?

The Chair: Yes, we are.

Chloe Smith: Clause 11 gives effect to the schedule to the Bill that contains minor and consequential amendments, including the repeal of provisions that are now spent or superseded. The schedule contains several minor provisions. As I mentioned at the beginning of our line-by-line scrutiny, one such provision clarifies that references to the Secretary of State include the Minister for the Cabinet Office, which alone takes up three of the 11 paragraphs that make up the schedule—perhaps a reflection of how minor the provisions are.

Others provisions in the schedule include paragraph 4(2) which, to reflect clause 5 of the Bill, which amends the number of constituencies to 650, updates the UK electoral quota to be based on 646 rather than 596. That reflects the number of constituencies minus the four protected constituencies. I acknowledge, however, that we will come on to debate aspects of that matter later. To reflect clause 4's changes to public hearings, paragraph 5 tidies up the references to public hearings in the Parliamentary Constituencies Act 1986.

Hon. Members may be interested in the schedule's reference to Blackpool, which I can explain, should the Committee be interested. No doubt the hon. Member for Lancaster and Fleetwood is agog to talk about Blackpool, so I will cover it briefly. There was a mistake in an amendment to the 1986 Act in the European Parliamentary Elections Etc. (Repeal, Revocation, Amendment and Saving Provisions) (United Kingdom and Gibraltar) (EU Exit) Regulations 2018.

The amendment made by that SI was intended to maintain the current position, that the BCE may take into account the boundaries of the European parliamentary electoral regions in England if it wished to do so, despite the repeal of the European parliamentary elections legislation. The regulations provided for newly defined English regions that correspond to the make-up of the existing European parliamentary electoral regions. The Bill adds the county of Blackpool to the description of the north-west region, which was erroneously omitted. Let the celebrations ring out around Blackpool for us having done that this morning in this Committee.

The schedule also ties up the drafting in previous related legislation, including the 1986 Act and the Parliamentary Voting System and Constituencies Act 2011. As they are very minor, I will not set them out in detail, although I would be happy to if hon. Members wish. The minor and consequential changes made by the schedule are important for tidying up the statute book and making the legislation easier to understand for the reader.

Question put and agreed to.

Clause 11 accordingly ordered to stand part of the Bill.

Schedule

MINOR AND CONSEQUENTIAL AMENDMENTS

Mrs Maria Miller (Basingstoke) (Con): I beg to move amendment 14 in the schedule, page 7, line 16, leave out "for "596" substitute "646"" and insert "leave out "596" and insert "645"".

The Chair: With this it will be convenient to discuss the following:

Amendment 11 in the schedule, page 7, line 17, leave out "646" and insert "645".

This amendment is consequential to NC6, which would add an additional protected constituency.

New clause 6—*Ynys Môn to be a Protected Constituency*—

After Rule 6(2)(b) of Schedule 2 to the 1986 Act (protected constituencies) insert—

"a constituency named Ynys Môn, comprising the County of the Isle of Anglesey."

This new clause adds Ynys Môn to the four protected constituencies

New clause 10—*Protected constituencies*—

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

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

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

(3) In rule 8(5)—

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

(b) after paragraph (b) insert ";

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

(4) In rule 9(7)—

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

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

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

Mrs Miller: These amendments and new clauses would effectively create an additional protected constituency of Ynys Môn comprising the area of the Isle of Anglesey County Council. The new clauses seek to amend schedule 2 to the Parliamentary Constituencies Act 1986, specifically the rules for the distribution of seats, resulting in Ynys Môn being included as a protected seat in rule 6. Consequential and necessary changes to rule 8 and rule 9 of the same schedule are needed to bring that fully into effect. Amendment 14 is a consequential amendment looking at the total number of constituencies.

There is an acknowledged principle in the 1986 Act that in our great British Isles, a collection of islands under our sovereign, Her Majesty, there are instances where the parliamentary constituency system needs to acknowledge challenges and limitations of building a constituency boundary system that adequately recognises island-based communities. Existing legislation does do that for two seats in England, neighbouring my own county in Hampshire, and for two seats in Scotland, but for none in Wales.

At this point I declare an interest. Although I was born in England and represent an English constituency, I was brought up in Bridgend, Wales. My maiden name is Lewis. My two brothers were born in Bridgend Hospital and my two nieces, Isabella and Olivia, attend a bilingual Church in Wales school in Llangattock. Yes, when England plays Wales in rugby, I support Wales. I am aware of the Welsh identity and the powerful role that communities play in Welsh life. When parliamentary boundaries were last debated, the move to 600 seats made it difficult to secure protection for the constituency of Ynys Môn. Given the return to 650 seats, I will attempt to turn the Minister's head in the hope that she might be persuaded by arguments of both the head and the heart.

The people of Ynys Môn are rightly proud of their island and its unique history. While the boundaries of most other counties might be considered somewhat arbitrary—although not in Yorkshire and Lancashire, as we have heard—the boundary between Ynys Môn and the mainland is physical, perhaps indivisible and immovable.

John Spellar (Warley) (Lab): There is something I fail to understand in this argument. Is Ynys Môn not connected by a bridge that was built around 100 years ago and is readily used all the time? How is it different from any other bridge in this country over rivers? The Isle of Wight argument was pretty thin, because the ferry is quite effective. Here you have a well-established bridge.

Mrs Miller: The right hon. Gentleman brings me straight on to my next point. It is as if he was reading my notes in advance—I am sure he was not. The Menai strait may be narrow enough to travel over by bridge, unlike travelling to the Isle of Wight, which he will be well aware is not connected by any bridges. However, the bridges were built very recently, and the people of Ynys Môn continue to have a strong sense of independence—born from many centuries of separation from the mainland—and have not changed. There are countless examples of Ynys Môn's deeply held identity as an island community both physically and sometimes constitutionally annexed to the mainland. The island is environmentally and economically distinct from the mainland, being flat and fertile, with its rugged coastline and deep harbours standing in stark contrast to the mountains of Snowdonia.

The hon. Member for Ceredigion will, I am sure, tell me that my pronunciation is not good, but the area is known as Môn mam Cymru—Anglesey, mother of Wales. That is rooted in its history. Countless windmills still stand on the island as testament to the fact that it kept north Wales fed during the middle ages.

John Spellar: The right hon. Lady's definition of "recent" must slightly differ from mine. The Menai suspension bridge was built in 1826, at just about the time we were getting any sort of franchise and about 100 years before we had universal franchise. This is a pretty thin argument, is it not?

Mrs Miller: I am sure the people of Ynys Môn will listen carefully to interventions made by Labour Members, which I am not sure necessarily reflect the arguments made over many years by others who have looked at this very carefully. The right hon. Member has a point that can be made, but this is not just a river or arbitrary boundary. This is a significantly sized island, which I think is actually almost double the size of the Isle of Wight. It is significantly larger than the Isle of Wight, so I think a bridge, however long it has been there, does not take away from its sense of identity. Indeed, there is clear and direct precedent for Ynys Môn to be treated as an exception. I hope, more generally, that the Labour party will support this proposal. Certainly, the evidence given to the Select Committee suggested that there was cross-party support. I am sure that the right hon. Gentleman is just making a little bit of mischief along the way.

There is clear precedent. The Isle of Wight's two seats make an electorate of more than 110,000, Orkney and Shetland has an electorate of 23,000, and the Western Isles has an electorate of 15,000, so this is not about the number of people on an island but about the islands themselves, because they are geographically separate, with fractured populations. They have a tradition and identity that tend to override those numerical imbalances, which has rightly been recognised by this place over many years.

Ynys Môn possesses all the same exceptional qualities geographically, but also in its heritage. With an electorate of more than 50,000 registered voters, it is a sizeable community, as well as geographically sizeable. No other constituency I am aware of, or that Members have brought up so far in our consideration of the Bill, is in a similar situation to Ynys Môn. Its nearest comparators have all been granted protected status. While I know and understand the arguments made by some in Cornwall, I hope the boundary commission heeded the issues raised by Devonwall. That is a very different issue from those faced by island communities, and I do not think that the two arguments should merge.

We heard no dissent in our evidence sessions when the notion of protected status was put forward. As an island nation, UK citizens do not need to be told about the unique identity that results from living on an island. Recognising a plurality of identities is part and parcel of the geography of our British Isles and needs to apply to the Welsh island of Ynys Môn. There is a strong depth of feeling on Ynys Môn that the island should have this recognition. In our evidence session, Dr Larner, who is a research associate at the Wales Governance Centre at Cardiff University, was very clear:

> "Obviously, Ynys Môn is not as isolated geographically as some of the Scottish constituencies, but, when you consider that the Isle of Wight is involved in these protections, it is reasonable to suggest that Ynys Môn should be too."—[*Official Report, Parliamentary Constituencies Public Bill Committee,* 18 June 2020; c. 131, Q251.]

I have to say that my hon. Friend the Member for Ynys Môn (Virginia Crosbie) put it best when she said: "Ynys Môn is unique. It is very special. The people have a strong sense of identity and community, unlike any I have experienced on mainland Britain. The countryside is rich and fertile, the coastline rugged and rural, and there is a very real sense of being an island standing alone from the mainland, despite the connected bridges. There is a commitment to protecting and promoting local business, the Welsh language and the culture and traditions of Ynys Môn. This is an island community that deserves to be recognised and protected."

10.45 am

Ben Lake: Diolch yn fawr, Mr Paisley. It is a pleasure to follow the right hon. Member for Basingstoke (Mrs Miller). I echo a lot of the points that she made in support of the principle of ensuring that Ynys Môn is retained as a unique and integral part of Welsh political history, and indeed the UK's political history. Some of the points that I will make support her arguments.

There is a bit of consensus in the Committee on the fundamental argument about whether Ynys Môn deserves to be its own constituency, but it is fair to point out that we have received a few pieces of written evidence questioning, and raising some valid points about, whether Ynys Môn is enough of an island and deserves to be one of the protected constituencies, along with the Western Isles, for example. Some of the points in the most recent piece of written evidence—forgive me, Mr Paisley, but I have forgotten the name of the individual who submitted it. *[Interruption.]* Mr Aaron Fear, that's it! Mr Fear made the valid point that, whereas the remoteness of the Western Isles makes its own argument for that constituency, the proximity of Ynys Môn to the mainland means that it should not benefit from similar consideration.

We have had the opportunity in this Committee to look back at history, and we have covered many historical events. On the point about Ynys Môn being close to the mainland, the hon. Member for Ynys Môn (Virginia Crosbie) will attest to the fact that the Menai strait is a significant natural barrier—just ask the Romans, who had an issue with it. It is one of the most treacherous

stretches of water, certainly along the British Isles. Despite the transport links that modernity has bestowed upon the island, when we come to the point about Ynys Môn having its own distinct community, we probably find ourselves in a similar position to the Romans looking across the Menai to the druids. The people of Ynys Môn consider themselves to be a very distinct community from that of the mainland, and that is something that we should bear in mind.

I do not have much more to add to the points that were very well made by the right hon. Member for Basingstoke. I will summarise as follows: when we consider whether islands should have protected status, it is valid to ask whether they are big enough geographically and in terms of population, whether they are remote enough, and whether they have a distinct sense of community. I have dealt with the remoteness issue. Yes, at the narrowest width, the Menai is only a couple of hundred metres, but the community of Ynys Môn is so distinct from that of the mainland that it deserves recognition.

When it comes to the island's size, perhaps it is not so big in global rankings, but it is more than 700 sq km. The right hon. Lady mentioned a few islands. It is only 5 sq km smaller than the island of Singapore, to put it in context. It is the 51st largest island in Europe, if Madeira is considered to be a European island; it is the 50th if it is not. In terms of geographical size, it has a sound argument and pretty good credentials. The resident population is about 70,000, which again is not insignificant. If we consider some of the geographical areas on the mainland, it is quite a sizeable unit. Administratively speaking, it is the ninth largest local authority in Wales by population. Again, that speaks to why it should be considered its own entity.

I mention community again at this point. If the local authority point is not enough then it should be considered that Ynys Môn fielded a team for the Island games, competing with islands across the world in different sporting events. The team is proud to represent their island, not some sort of appendage to north-west Wales. To encapsulate everything, the point made by Mr Geraint Day during the first day of the evidence sessions is a humorous but important one. History is on the side of Ynys Môn being a distinct constituency too. Since the 16th-century Acts of Union, Ynys Môn has always sent its own Member of Parliament to London, and indeed—apart from the Barebones Parliament—has always had representation in this place.

Mrs Miller: I point out that my hon. Friend the Member for Ynys Môn is with us today, although unable to take part in proceedings because of her role in the Government.

Ben Lake: I referred to the hon. Member for Ynys Môn earlier on, and I am confident that she would agree with us if she were able to contribute. Ynys Môn has had continuous representation in this place, apart from the notable exception of the Barebones Parliament. Further to the points that have been made, if one needs to think about how Ynys Môn is considered within Wales, Môn man Cymru is probably the best way of putting it, as the right hon. Member for Basingstoke said. In her remarks on an earlier amendment, the Minister mentioned that the Boundary Commission for Wales agreed to the Welsh language convention of place names that run north to south and west to east. If that logic is applied, Wales starts in the north-west. What is the north-west? It is Ynys Môn. I do not have anything further to add. If the hon. Lady wishes to push the amendment to a vote I will support her.

Christian Matheson: It is a pleasure to take part in the debate. I think an amendment that I have tabled is similar in effect to those tabled by Conservative Members. Anglesey, which I knew as a child, is a great place. I remember we used to go there on holiday every year, staying at Red Wharf Bay at Benllech and visiting Llangefni market and Llanfair PG. I will not go any further than that. We still go there, and not so long ago I visited Newborough Warren. It is a wonderful place, and is a fantastic place to visit. The hon. Member for Ceredigion talked about the history of the Romans and the druids, and I was aware of that. He might want to correct me, but I think I am right that eventually the Romans got round their problem by fording the Menai strait at low spring tide, resolving their difficulties with the druids in, unfortunately, the fashion in which Romans resolved such problems.

Chloe Smith: Will the hon. Gentleman explain what the Romans ever did for the druids?

Christian Matheson: I am looking at the clock.

The Chair: I will assist by saying: will you please move on?

Christian Matheson: I am sure, Mr Paisley, that you would not want me to start listing aqueducts, currency, safety in the streets, law and order and so on. The Opposition have tabled a similar amendment—I am not sure of the procedural mechanism for resolving the fact that there is more than one amendment on the same issue. I will take guidance from you on that, Mr Paisley.

I make two points in relation to the debate. First, I ask Committee members to bear in mind the knock-on effect on the rest of the Wales, if and when they agree the amendment. We will be discussing that matter later. Right hon. Members have made good, sound arguments as to why we should accept the amendment. However, that has an effect on the rest of Wales, and I ask hon. Members to park that.

Secondly—I have to make this point, unfortunately, from a political point of view—never since St Paul took a trip to Damascus has such a great conversion been seen as that of Conservative Members deciding that perhaps Ynys Môn does need to be a protected constituency. Other parties, our own included, have called for that change in several reviews. Something has obviously changed, if Conservatives are all of a sudden in favour of the proposal. I invite members of the Committee to decide, in their own time, what circumstances have changed such that the Conservatives are, all of a sudden, in favour of it. Let us be clear: we have called for it in several reviews. We are, therefore, pleased that Government Members have seen the light, whatever the motivation that drove them to that point.

May I be indulged briefly, Mr Paisley, to pay tribute to the former Member for Ynys Môn, my good friend Albert Owen, who like you was a member of the Panel

[Christian Matheson]

of Chairs? I miss him greatly as a person and as a mentor and adviser, but I know he still maintains a full role.

Chris Clarkson: As a Romanophile, I thank the hon. Member for Deva Victrix. I very much enjoyed the talk of Rome. On the political considerations, Ynys Môn is one of only two constituencies in the United Kingdom to have been represented by all three major parties and the local nationalist party, so the hon. Gentleman's argument does not stand. Talking about north Wales, possibly combining Ynys Môn with Bangor would be particularly unfair to some mainland parts of Wales, which have distinct identities. I support the amendment: Ynys Môn is a distinct part of Wales, with a unique culture and identity, and has a perfect case to be a protected constituency.

Christian Matheson: I thank the hon. Gentleman for his intervention. In fact, my argument stands because only now has the Conservative party changed its opinion—again, I leave him to come up with the reason why.

Ben Lake: I echo the hon. Gentleman's sentiments and words about the former Member for Ynys Môn, Albert Owen. I do not think we could find a more doughty champion for the island than Mr Owen.

Christian Matheson: I am most grateful. I am sure that Albert will be following this debate and will be most grateful as well.

We support the amendment and welcome the conversion of Government Members. We will work with them to see this through. We await the Minister's response.

The Chair: For clarity, this debate is about amendment 14, in the name of Maria Miller. I said at the commencement that it would also be convenient to consider amendment 11, new clause 6 and new clause 10. If amendment 14 is agreed to, the subsequent one, namely amendment 11, will not be called.

Cat Smith: The grouping of amendments and new clauses on Ynys Môn gave me cause to think about the nature of island communities. I have enjoyed hearing the exchanges across the Committee Room this morning. Indeed, my father was born on an island and my mother was raised on one—the Isle of Walney, which was only connected to the mainland by a bridge in 1908 so, arguably, has a stronger case for special consideration even than Ynys Môn. The arguments about identity apply to any island community in the British Isles. For anyone born or raised on an island, that sense of community runs so deep that unless someone has lived or experienced it, it is hard to explain how that can forge identity.

Ynys Môn also has a strong Welsh identity, which we have not really touched on so far in this debate, but with a 57% prevalence of being able to speak Welsh, it has the second highest proportion of Welsh speakers by local authority in Wales. That just adds to the evidence that Anglesey is indeed a special place, which is why we believe that it should be awarded protected status. It also has the village with the longest place name in Britain—if anyone wishes to make any intervention to tell us what that is, I would be happy to give way.

Ben Lake: I am sure that it is in *Hansard* somewhere, but just so it is on the record, it is Llanfairpwllgwyngyll-gogerychwyrndrobwllllantysiliogogogoch.

Alec Shelbrooke: I cannot do that, but I will tell the hon. Lady who can: my hon. Friend the Member for Pudsey (Stuart Andrew), who was born there.

11 am

Cat Smith: Unfortunately the hon. Member for Pudsey is not taking part in proceedings. The amendments are about recognising the fundamental and distinct identity of Ynys Môn and awarding it protected constituency status. Although the Labour party will certainly support that, it throws up a debate about the potential conflict between the idea of protecting communities and identity, and equally sized constituencies. Creating another protected constituency makes it more difficult to have equally sized constituencies right across the British Isles.

I find many of the ideas that the Committee has discussed very contradictory. On the one hand, hon. Members argue for equally sized constituencies, and on the other, they argue for more protected constituencies, which ingrain unequal size. I am very clear that we should respect community ties and acknowledge that some constituencies will be larger than others to reflect those ties, but as far as possible, we should try to have constituencies that are as equal as they can be. The amendments highlight the challenge that that throws up, in recognising that communities should be included together when it comes to parliamentary constituencies.

Chloe Smith: I am really pleased that we have had this discussion, which, in formal terms, complements my opening remarks on clause 11 stand part.

Following on from the arguments articulated by the hon. Members for Ceredigion and for City of Chester, as well as by the shadow Minister, I can confirm that the Government will accept amendment 14, tabled by my right hon. Friend the Member for Basingstoke, and give Ynys Môn protected constituency status. I will go through the reasons for that.

I will pray in aid the hon. Member for Glasgow East, who occasionally helps me out in this respect. He was so kind to say earlier that I am a considered Minister who takes arguments on merit, which is what I am seeking to do today. That starts with reflecting on what the current legislation sets out. It sets out four protected constituencies, the boundaries of which are fixed and do not change at boundary reviews. They are all islands: Orkney and Shetland, Na h-Eileanan an Iar, and the two constituencies on the Isle of Wight. Currently, there are no protected constituencies in Wales.

During debate on the Parliamentary Voting System and Constituencies Act 2011, arguments were made that Ynys Môn should also be a protected constituency. Those arguments centred on the fact that the constituency covers a relatively large island geographically and has a sizeable electorate—and they still have merit today. Indeed, we heard witnesses and hon. Members of all stripes make the case for Ynys Môn, including Tom Adams

of the Labour party, Geraint Day from Plaid Cymru and Chris Williams from the Green party, in addition to the parties represented on the Committee. Dr Larner from the Wales Governance Centre added his thoughts to the argument, too. Of course, hon. Members outside the Committee have also joined the argument via amendment 14, including the hon. Member for the Isle of Wight (Bob Seely), whose support is, I think telling.

I welcome my hon. Friend the Member for Ynys Môn, who is sitting in the Public Gallery. She has campaigned and worked very hard on this matter, on top of being a most assiduous constituency MP on other matters. If I remember rightly, her swearing in to the House was done in Welsh, which shows her commitment to the characteristics of her constituency. Since she entered the House, she has argued that local people sent her here to do just that, and I am glad that she is here to listen.

As the hon. Member for Ceredigion explained, Ynys Môn, which covers 715 sq km, is the fourth largest island in Great Britain in terms of geographical size, excluding the mainland—to be precise, that is including Holy island to the west. With an electorate of approximately 50,000, based on 2019 data, Ynys Môn is comparable to other islands that enjoy protected constituency status.

I am of course mindful that each additional exception slightly chips away at the underlying principle of equally sized constituencies—I will bring that argument into my own remarks before anyone else makes it. It is a consideration that we have to include in this decision. However, I am persuaded that the creation of Ynys Môn as a protected constituency would address an anomaly. It is the only island in the UK whose electorate and geographical area fall squarely within the range of the currently protected constituencies. It has a considerable electorate, sitting between those of the other protected constituencies: Na h-Eileanan an Iar is at one end, with an electorate of just over 21,000, and the Isle of Wight is at the other, with 111,000. The argument that Ynys Môn belongs among the protected constituencies is compelling.

Amendment 14 also responds in part to something else we have heard in this Committee, which is that Wales is likely to see a reduction in the number of its constituencies. For a variety of historical reasons, which we have discussed already and may discuss later when debating other amendments, Welsh constituencies are slightly smaller on average than most UK constituencies. Given that the next boundary review will seek to create constituencies that are equal in size, it is likely to result in fewer constituencies in Wales. It is relevant to note that the creation of an appropriate protected constituency on Ynys Môn will mean that the electorate of that island will not be included in any calculation relating to the number of constituencies in Wales.

This amendment also means that there will be at least one protected constituency in each part of Great Britain, which helps demonstrate the importance with which we regard those component parts of the Union, and that we think these are important, relevant considerations. We believe that Ynys Môn, with its sizable electorate and particular geography, would make an appropriate protected constituency to sit alongside the others. As I have already confirmed, we intend to accept amendment 14.

John Spellar: Can we have some clarity on how the arithmetic works? Will Wales be taken as a block and allocated a number of seats, from which the protected seat would then be abstracted and its quota spread among the other seats? Alternatively, will Wales's population be included with England's and Scotland's, so that all the protected seats are taken completely out of the equation and the basic figure for constituencies will be decided quite separately from the protected constituencies?

Chloe Smith: I believe it is the former; indeed, that is what the consequential amendments in this bundle go on to do. We can complete that argument when we discuss the tolerance and the way in which the quota is arrived at.

I will now deal with the fact that a couple of amendments are grouped together, and other Members have already asked questions about the procedure. I assume it would be in order for me to indicate that I would like to accept amendment 14 and new clause 10, but not new clause 6 and its associated amendment. That is for the very good reason that consequential changes to the Parliamentary Constituencies Act 1986 are required to fully implement this protected constituency, and we need to ensure that those consequential changes are made by the amendments tabled by my right hon. Friend the Member for Basingstoke, not those tabled by the hon. Members for Ceredigion and for Glasgow East. That is not to say that those Members have not made good arguments today—they have—but I intend to accept the amendment tabled by my right hon. Friend the Member for Basingstoke. I hope that is in order, Mr Paisley. I think I have answered all the points raised.

Mrs Miller: I thank the Minister and also the hon. Members for Ceredigion and for City of Chester for their kind words and support for this approach to achieve what we all want. The Minister has indicated that she will accept amendment 14 and, when we come to it, new clause 10 as well. It is my hon. Friend the Member for Ynys Môn who has campaigned for this change, this protection, and today's debate reflects her assiduous hard work and the understanding that she has of the community that she represents.

Amendment 14 agreed to.

The Chair: An historic day, colleagues! The next amendment on the paper is amendment 10, but that was debated last Thursday and David Linden indicated that he did not wish to press it to a Division. Unless Mr Linden has changed his mind, which could happen, we will move on.

Schedule, as amended, agreed to.

Eddie Hughes (Walsall North) (Con): On a point of order, Mr Paisley. It would probably be more appropriate if we pause and continue our deliberations this afternoon. I therefore beg to move that our deliberations be now adjourned.

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

11.12 am

Adjourned till this day at Two o'clock.

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

PARLIAMENTARY CONSTITUENCIES BILL

Eighth Sitting

Tuesday 30 June 2020

(Afternoon)

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not later than

Saturday 4 July 2020

The Committee consisted of the following Members:

Chairs: † Sir David Amess, Ian Paisley

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

Sarah Thatcher, Rob Page, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 30 June 2020

(Afternoon)

[Sir David Amess *in the Chair*]

Parliamentary Constituencies Bill

Clause 12

Extent, Commencement and Short Title

2 pm

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

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

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

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

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

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

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

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

Question put and agreed to.

Clause 12 accordingly ordered to stand part of the Bill.

New Clause 1

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

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

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

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

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

Brought up, and read the First time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Chloe Smith]

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

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

2.15 pm

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Question put and agreed to.

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

New Clause 2

ELECTORATE PER CONSTITUENCY

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

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

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

Brought up, and read the First time.

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

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

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

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

He went on:

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

2.30 pm

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

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

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

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

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

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

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

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

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

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

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

Christian Matheson: Sorry about that.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Alec Shelbrooke]

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

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

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

2.45 pm

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

it even says this—

"in really exceptional circumstances".

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

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

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

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

3 pm

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Dr Rossiter went on to say:

"I have noticed, when we have been looking at this, the significant help that increasing that tolerance by very small amounts will provide. As soon as you go from 5% to 6%, you have a big payback from going up by that one percentage point. That payback increases to around 8%, which is why we came to the conclusion in our previous report that a figure of 8% would be much more helpful."—[*Official Report, Parliamentary Constituencies Public Bill Committee,* 18 June 2020; c. 140, Q269.]

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

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

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

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

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

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

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

3.15 pm

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

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

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

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

[Chris Clarkson]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3.30 pm

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

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

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

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

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

[Cat Smith]

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

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

The Committee divided: Ayes 7, Noes 10.

Division No. 2]

AYES

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

NOES

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

Question accordingly negatived.

New Clause 3

ALLOCATION OF CONSTITUENCIES

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

(2) After rule 8(5) insert—

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

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

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

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

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

Brought up, and read the First time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chris Clarkson: Will the hon. Gentleman give way?

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

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

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

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

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

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

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

[Christian Matheson]

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

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

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

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

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

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

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

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

"a process, not an event".

I am glad to get that on the record.

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

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

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

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

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

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

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

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

4 pm

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

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

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

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

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

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

[Clive Efford]

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

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

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

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

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

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

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

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

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

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

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

4.15 pm

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

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

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

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

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

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

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

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

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

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

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

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

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

[Christian Matheson]

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

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

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

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

Clause, by leave, withdrawn.

New Clause 4

Definition of "electorate"

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

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

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

Brought up, and read the First time.

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

The Committee divided: Ayes 7, Noes 10.

Division No. 3]

AYES

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

NOES

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

Question accordingly negatived.

New Clause 5

Highland Constituencies

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

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

Brought up, and read the First time.

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

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

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

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

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

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

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

4.30 pm

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Clause, by leave, withdrawn.

New Clause 7

CONSTITUENCY GROUPINGS

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

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

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

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

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

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

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

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

Brought up, and read the First time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.45 pm

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

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

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

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

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

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

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

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

I beg to ask leave to withdraw the clause.

Clause, by leave, withdrawn.

New Clause 8

BOUNDARY RE-ALIGNMENT

"(1) Where—

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

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

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

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

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

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

Brought up, and read the First time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 pm

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

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

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

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

Clause, by leave, withdrawn.

New Clause 10

PROTECTED CONSTITUENCIES

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

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

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

(3) In rule 8(5)—

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

(b) after paragraph (b) insert ";

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

(4) In rule 9(7)—

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

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

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

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

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

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

[Chloe Smith]

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

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

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

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

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

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

Question put and agreed to.

Bill, as amended, accordingly to be reported.

5.6 pm

Committee rose.

Written evidence reported to the House

PCB07 Councillor Julian German, Leader of Cornwall Council

PCB08 Aaron Fear

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