



**Government Response to the
Political and Constitutional Reform Committee's
Eighth Report of Session 2014-15**

**What next on the redrawing of
parliamentary constituency boundaries?**

Presented to Parliament
by the Chancellor of the Duchy of Lancaster
by Command of Her Majesty

February 2016



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Introduction

1. The Government is grateful to the Political and Constitutional Reform Committee of the last Parliament for its report on UK Parliamentary constituency boundaries, published on 15 March 2015.
2. As set out in its 2015 manifesto, the Government has a clear mandate to address the unfairness of the current Parliamentary boundaries; to reduce the number of MPs to 600 to cut the cost of politics and make votes of more equal value; and to implement the boundary reforms that Parliament has already approved.
3. The Government believes that all parts of government need to play their part in making sure our country lives within its means. That is why the Coalition Government implemented a series of reforms to cut the cost of politics and tackle the deficit left by the previous Administration – such as reducing the number of Arms Length Bodies, streamlining the Civil Service, curbing spending on advertising and communications, abolishing councillor pensions, and cutting then freezing Ministerial salaries. Yet the House of Commons remains the largest lower house of any major Western democracy.¹ There is more to do to fix the public finances, return the country to surplus and ensure Britain lives within its means.
4. The Government believes that one elector should mean one vote: for this to be true between as well as within constituencies, each must contain an approximately equal number of electors. In 2007, the Committee on Standards in Public Life made a series of recommendations for reform of the rules on Parliamentary boundaries, noting: the "inbuilt bias that leads to an increase in the House of Commons at each review"; the "inbuilt, progressive inequality of electoral quotas which over time will significantly erode equal representation 'one vote one value', well outside accepted international norms"; and the "unnecessary delays in the review process".²
5. At present, Parliamentary constituencies range in size from 22,000 to 108,000 electors.³ Without the implementation of these boundary reforms, the 2020-25 House of Commons would represent constituencies that are drawn up on electoral register data that is over 20 years' old⁴, disregarding significant changes in demographics, house building and geographical migration. Moving

¹ PARLINE database on national parliaments: www.ipu.org/parline-e/parlinesearch.asp

² Committee on Standards in Public Life, *Review of the Electoral Commission*, January 2007, pp.46-47.

³ ONS, *Electoral Statistics for UK*, 2014, April 2015.

⁴ The fifth periodic reviews were based on electoral registers in force on the enumeration dates of 2000 (England), 2001 (Scotland), 2002 (Wales) and 2003 (Northern Ireland).

forward, the independent Boundary Commissions should have access to more up to date information on which to base their empirical reviews.

6. The Government's reforms will ensure Parliamentary constituencies will be of equal size and better reflect the size of the current electorate in that seat. This will ensure fair and equal representation for the voting public across the United Kingdom – both for the 2020 General Election, and in the future.

Legislative background

7. The 2010 Coalition Agreement pledged the "creation of fewer and more equal sized constituencies." The Parliamentary Voting System and Constituencies Act 2011 subsequently made provision to reduce the size of the House of Commons to 600 seats, with each seat having an electorate of more equal size. The Act amended the Parliamentary Constituencies Act 1986 to reduce the number of constituencies from 650 and to ensure that the electorate of each new constituency would be within 5% of the electoral quota for the UK, subject to a small number of tightly defined exceptions.
8. However, an amendment introduced in the House of Lords to the Electoral Registration and Administration Bill added a clause to postpone the first review of Parliamentary constituency boundaries under the Parliamentary Voting System and Constituencies Act 2011 from 2013 to 2018. The Bill, with that clause, received Royal Assent in January 2013. Primary legislation, therefore, currently provides that the next boundary review must use the electorate figures in the version of the electoral register published on or before 1 December 2015 and must report before 1 October 2018.

Response to conclusions and recommendations

This Government response addresses each of the Committee's conclusions and recommendations in turn.

The 2013 Review

9. **The proposals for new parliamentary constituencies made during the 2013 Review were, as a whole, not satisfactory. This was an almost inevitable result of the new rules for distribution of parliamentary constituencies brought in by the Parliamentary Voting System and Constituencies Act 2011. The largest contributor to the unsatisfactory nature of the proposals was the imposition of the new statutory requirement for all but four parliamentary constituencies to have an electorate within 5% of the UK electoral quota. The new rule fundamentally changes the way in which proposals for new parliamentary constituency boundaries were devised, and severely limited the extent to which the Boundary Commissions were able to consider other factors such as continuity with previous constituencies and the reflection of local communities. (Paragraph 19)**

10. **In order to limit the challenges faced by Boundary Commissions in bringing forward proposals for new parliamentary constituency boundaries which are acceptable to Parliament, elected representatives and constituents, the rules governing the distribution of parliamentary constituencies must be changed. Lessons learned from the aborted 2013 Review should inform these changes. (Paragraph 21)**

11. The Parliamentary Voting System and Constituencies Act 2011 sets out a very clear set of criteria to be applied by the Boundary Commissions in the process of distributing Parliamentary constituencies and drawing their boundaries. Within the rules set out by the Act, Commissions can continue to take into account factors such as physical geographical features including mountains and rivers, local government boundaries and local ties, and the boundaries of existing constituencies. However, these factors are subject to the overriding principle of equality in constituency size, because the Government remains of the view that equality and fairness must be paramount. Under the previous legislation, achieving "electoral parity" was an important, but not the primary, consideration and was subject to other rules and this resulted in room for interpretation as to how the Boundary Commissions should prioritise different factors, whilst the new legislation has brought clarity to the application of the rules for setting boundaries.

12. The rules allow the smallest constituencies to vary by ten percentage points from the largest and the Government remains of the view that this strikes the right balance between equality and flexibility. Therefore, while the Government notes the Committee's view, it has no plans to amend the current rules.
13. However, the Government strongly believes that lessons should be learned from the unfinished 2013 boundary review. The Government understands that each of the UK Boundary Commissions has undertaken exercises to learn the lessons of the 2013 boundary review to ensure that the 2018 boundary review benefits as a result.

Options for change

14. **We note that the number of registered electors currently varies significantly between constituencies. We believe that, all other things being equal, constituency electorates should be broadly equal. Reducing the variance in the number of electors from one constituency to another should be one of the functions of the boundary review process. (Paragraph 31)**
15. **The primary reason for the unsatisfactory nature of the proposals brought forward during the 2013 review of parliamentary constituency boundaries was the strict arithmetic rule regarding the electorates of all but four constituencies—that they be within +/- 5% of the average constituency size of the UK. That said, we have noted the current wide variation in the number of registered electors from constituency to constituency, and concluded that it would be desirable for that to be reduced. The evidence we have received is that increasing the allowable variance to +/- 10% would, in the vast majority of cases, alleviate the challenges experienced during the 2013 Review. *We recommend that the allowable variance for the electorate of each constituency from the UK electoral quota be increased to +/- 10%. This would better enable the Commissions to come forward with more satisfactory proposals for new parliamentary constituencies, whilst still ensuring a greater degree of equality than exists at present in terms of the number of electors in each constituency. This change would require primary legislation.* (Paragraph 40)**

16. The Government agrees with the Committee that constituency electorates should be broadly equal. As set out above, the Government believes that equality and fairness must be the overriding principles in future boundary reviews. Therefore, the Government welcomes the Committee's conclusion that the variation in the registered electorate between constituencies should be reduced.
17. However, the Government remains of the view that an allowable variance of +/- 5%, which is a margin of 10 percentage points, strikes the right balance between equalising constituency sizes and giving the Boundary Commissions sufficient scope to carry out effective boundary reviews. A variance of +/- 10% would be a margin of 20 percentage points which would be too large and would undermine the basic principle of equally sized constituencies. Therefore, the Government does not agree that the allowable variance should be increased.
18. **Requiring the electorate of each constituency to be within 5% of the electoral quota of that part of the UK—rather than for the whole of the UK—would enable the Boundary Commissions to use the full +/- 5% range. Such "local electoral quotas" may be an acceptable compromise to any Government which does not accept our recommendation that a higher tolerance should be implemented. *We recommend that, if the +/- 5% rule is not relaxed, that Boundary Commissions be required to propose constituencies with an electorate within +/- 5% of the electoral quota for the part of the UK for which that Commission is responsible, rather than the overall UK electoral quota. This change would require primary legislation. (Paragraph 43)***
19. The Government believes that a single UK quota is both clearer and fairer for the electorate across the whole of the UK. The rules recognise that in certain circumstances, the UK electoral quota could cause problems for the distribution of constituencies in Northern Ireland, which is why Schedule 2 of the Parliamentary Voting System and Constituencies Act 2011 contains provision for dealing with such issues.
20. Introducing separate electoral quotas could potentially result in some disparity between the different parts of the UK, as there is currently, when creating consistency and fairness is one of the principal objectives of the set of rules introduced. Therefore, the Government does not agree that there should be different electoral quotas for each constituent part of the UK.

21. **Although local government wards are a perfectly sensible starting point for building parliamentary constituencies, the constraints created by the new rules for the distribution of parliamentary constituencies mean that Boundary Commissions cannot afford to bind themselves unnecessarily. We welcome the statement from the Boundary Commission for England that it will be more open to the possibility of splitting wards in the future. This should serve to minimise any unnecessary disruption resulting from the boundary review process, and allow for greater account to be taken of substantive community boundaries. (Paragraph 46)**
22. This is a matter for the individual Boundary Commissions. Whilst the Boundary Commissions may have regard to local government boundaries, which include ward boundaries, this must be balanced against the other factors outlined in legislation, and there is no strict requirement in law for constituencies only to comprise whole local government wards. The Government notes the Committee's comments that ward-splitting could reduce the potential scale of changes at the next, and each subsequent, boundary review.
23. **The public consultation process is an essential part of the boundary review process, and holding hearings where members of the public and other interested parties can make oral representations is a valuable part of this process. That said, the Boundary Commissions were united in their view that public hearings would be more useful if they took place after written representations had been received, rather than during the initial consultation period. *We recommend that the Boundary Commissions continue to be required to hold public hearings on their recommendations before reporting to the Secretary of State, but that these hearings should not be required to take place during the initial consultation period. This change would require primary legislation.* (Paragraph 54)**
24. The Parliamentary Voting System and Constituencies Act 2011 sets out very clearly defined rules for the consultation processes which must be undertaken in the course of a boundary review. The Government notes that the experiences of the Boundary Commissions in the course of the unfinished 2013 boundary review led them to suggest to the Committee that it might be more useful to hold public hearings after written representations had been received.

25. The Government is keen that the Boundary Commissions learn the lessons from the unfinished 2013 boundary review and that the Government offers support where possible. The evidence suggests that the consultation process for the unfinished 2013 boundary review worked well and that the Boundary Commissions listened to practical concerns raised about proposed constituencies and took them into account in their recommendations. For example, in England, the Boundary Commission for England received some 49,500 written and oral representations in relation to the proposed constituencies in the Commission's initial proposals which resulted in 60% of the proposed constituencies being changed materially in the Commission's subsequent revised proposals. The Government has no plans to legislate on the boundary review rules ahead of the next boundary review process commencing in early 2016.
26. **There is clearly scope for future reviews of parliamentary constituency boundaries to involve a more modern system of public consultation. We welcome the statements by several of the Boundary Commissions that they will be looking at improving how they consult with the public at future boundary reviews. *We recommend that all Boundary Commissions consider, before the commencement of the next boundary review, how they can use new technologies to better engage with the public and better facilitate the public to contribute to the boundary review process. Options should include promoting the public consultation on proposed constituencies online via social media, making online mapping tools available to those wishing to contribute to the consultation process and the use of online forums. We hope that the evidence we have received in this area will be helpful to the Boundary Commissions in taking this work forward.* (Paragraph 57)**
27. The Government welcomes the Committee's consideration of ways in which the Boundary Commissions can better engage with the general public as part of their consultation processes. The Government understands that the Boundary Commission for England, supported by the Cabinet Office's Digital Transformation and Procurement teams, is introducing enhanced online consultation tools in readiness for the 2018 boundary review process and the Government agrees with the Committee that it is very important that all of the Commissions seek to make the best use of the technology available.
28. This is a matter for each of the Boundary Commissions to consider as they prepare to undertake the 2018 boundary review.

29. **There are strong arguments for holding boundary reviews every five years. There are also strong reasons for holding them every 10 years. This is a matter we bring to the attention of the next Government. (Paragraph 64)**
30. The Government notes the evidence which the Committee gathered in relation to the frequency of boundary reviews. The Government agrees with the Committee that there are strong arguments for holding boundary reviews every five years, and has no plans to change the existing statutory requirement for boundary reviews to be conducted every five years.
31. **We have previously noted that although there may be a case for reducing the number of Members of Parliament to 600, the Government did not make it before introducing legislation to implement the change. We have received a wide range of views on what the "correct" number of MPs might be, but the case for reducing the number of MPs from 650 to 600 has still not been made. *We recommend that, in the absence of any compelling reason for reducing the number of MPs and the complete absence of any consultation on or research into the impact of such a reduction, legislation be introduced to reverse the reduction to the number of MPs provided for by the Parliamentary Voting System and Constituencies Act 2011.* (Paragraph 70)**
32. If it was found to be desirable to reduce the number of MPs, it should not be assumed that the only way of achieving this is to set a fixed number of 600. It would be possible to set a ceiling on the number of MPs so that the figure did not increase in the future—this ceiling could then be reduced over time. Alternatively, the number of MPs could be reduced incrementally over several boundary reviews. Either of these options would put downward pressure on the number of MPs without removing 50 parliamentary constituencies at a single stroke. (Paragraph 71)
33. The more constituencies there are, the smaller the electoral quota—and therefore, under the 5% rule, the allowable variation in the number of electors between constituencies—for the UK would be. This means that if the next boundary review takes place on the basis of 650 constituencies, it would be all the more important to relax the current 5% rule, as we recommend above. (Paragraph 72)

34. The Government's manifesto contained the commitment to reduce the number of MPs from 650 to 600 in order to cut the cost of politics. The number of 600 was extensively debated and settled during the passage of the Parliamentary Voting System and Constituencies Act 2011, and the Government sees no merit in reopening the issue. The Government is clear that it considers the chosen option, to reduce the number of MPs to 600 in a single boundary review, to be less disruptive to constituents and Members than a process whereby the number is reduced incrementally over a number of boundary reviews.
35. Therefore, the Government has no plans to reverse the planned reduction in the size of the House of Commons, nor the means by which such a reduction is achieved.
36. **We have been told that for future boundary reviews there is a case for using population data instead of the electoral registers, particularly in light of the current incompleteness of electoral registers. This would be a substantial change to the way in which boundary reviews are conducted, and would almost certainly involve synchronising boundary reviews with the publication of population data from the census. We recommend that the next Government commission research into how population data could be used as the basis for reviewing parliamentary constituency boundaries, and report by the end of the 2015 Parliament. This research should include an analysis of international practice. (Paragraph 76)**
37. It has been a longstanding policy to use the registered electorate as the basis for constituencies rather than population data. The electoral register is updated annually; whereas census figures will include persons who are not eligible to register to vote, for example on grounds of citizenship or age. This would therefore be an unsuitable way of ensuring that UK Parliamentary representation is equal.
38. The Government is satisfied that the current system continues to offer the most effective basis for the distribution of Parliamentary constituencies. Furthermore, as part of the Government's implementation of Individual Electoral Registration, there have been important steps taken to increase the completeness and accuracy of the electoral registers.

39. **We agree with the Boundary Commission for Wales that Boundary Commissions ought to be able to take account of local government boundary changes from the date when orders have been made, even if the changes have not yet come into effect. *We recommend that the rules for the distribution of parliamentary constituency boundaries be changed accordingly. This change would require primary legislation.* (Paragraph 78)**
40. The Government welcomes the fact that this issue has been brought to its attention through the Committee's work. It is crucial that the Boundary Commissions are given specific dates at which the electorate figures and local government boundaries are fixed for the purposes of undertaking a boundary review. Therefore, while the Government acknowledges the impact of significant changes to local government boundaries, it is not minded to change the rules for the distribution of Parliamentary constituencies in order to provide absolute clarity on the basis for boundary reviews.
41. **Any change to the number of parliamentary constituencies in Wales and Northern Ireland would have a direct impact on the number of elected representatives that would be returned to the respective devolved assemblies at the next election for that Assembly. One way of limiting the disruption to the devolved administrations of reviews of parliamentary constituency boundaries would be to fix the number of parliamentary constituencies allocated to each part of the UK for several review periods. Reducing the frequency of reviews would also reduce the consequential disruption to constituencies for the devolved assemblies. *We recommend that the next Government consider how the rules for the distribution of parliamentary constituencies could be amended so as to limit the disruption of future boundary reviews to the devolved assemblies in Wales and Northern Ireland.* (Paragraph 80)**
42. Although the boundaries of the National Assembly for Wales constituencies were originally aligned to the Westminster constituencies in Wales by the Government of Wales Act 2006, the Parliamentary Voting System and Constituencies Act 2011 de-coupled the two. In December 2011, the Parliamentary Constituencies and Assembly Electoral Regions (Wales) (Amendment) Order 2011 made changes to some Assembly constituencies and regions separate to Westminster constituencies. Therefore, future boundary reviews for Westminster constituencies should cause no disruption to the National Assembly for Wales.

43. The Government is alert to the fact that a reduction in the number of Parliamentary seats for Northern Ireland may have an effect on the cross-community representation at Westminster. This is an unfortunate but unavoidable consequence of the need to reduce the number, and equalise the size, of constituencies across the UK.
44. The boundaries for the Northern Ireland Assembly remain aligned and identical to those for the Westminster constituencies. Currently six members (“MLAs”) are elected from each of the 18 constituencies although the Stormont House Agreement (December 2014) anticipates a reduction in MLAs, probably to five members per constituency, in time for the 2021 Assembly election. The Government recognises that changes to the number of Westminster constituencies will, under the current legislative framework, have an impact on MLA numbers and it will consider the impact of any reduction in the number of Westminster constituencies in advance of the Assembly election in 2021. Although the number of Westminster constituencies allocated to Northern Ireland is almost certain to change under the current provision to reduce the overall number of UK constituencies to 600, it is much less likely that the number will continue to change regularly in subsequent boundary reviews. Therefore, while the Government recognises the issues identified by the Committee, it does not believe that the rules for distribution of constituencies require amendment on this basis.

What next?

45. **We have recommended several changes to the rules for the distribution of parliamentary constituencies. These would require primary legislation to be given effect. We understand the problems for the Boundary Commissions if the rules for the distribution of parliamentary constituencies are not made clear in good time, and we have been told that it would be desirable for the statutory framework for the next boundary review to be in place by December 2015. Legislation to give effect to the recommendations we have made will, therefore, need to be a priority in the new Parliament. While we have on several occasions lamented occasions where legislation has been rushed through Parliament and not been published in draft for pre-legislative scrutiny, such considerations must be balanced in this case with a pressing need for legislative change. We recommend that the next Government make a statement no later than June 2015 on its policy on the rules for the distribution of parliamentary constituencies. This statement should respond to the recommendations we have set out in this report. The Government should in July 2015 publish a draft Bill for pre-legislative scrutiny and introduce a Bill in the autumn of 2015 to receive Royal Assent by early 2016. (Paragraph 85)**

46. The Government has given very careful consideration to the recommendations of the Committee's report. However, the decision not to amend any of the rules for the distribution of Parliamentary constituencies means that there are no plans to publish a draft bill this session.
47. **There are no legislative provisions for boundary reviews to be postponed, short of introducing primary legislation to amend the date by which the Boundary Commissions must report. If the five-year cycle of general elections were to change as a result of the early end of a fixed-term parliament and an early general election, it is likely that legislation would need to be introduced to amend the date for all subsequent boundary reviews, to ensure boundary reviews and changes to parliamentary constituency boundaries did not clash with general elections. (Paragraph 87)**
48. The Government has noted the Committee's comments about the absence of legislative provisions to postpone boundary reviews short of introducing primary legislation. The need to introduce primary legislation provides a democratic check and balance against imprudent changes to the independent boundary review process. However, where necessary, and where there is cross-party consent, electoral primary legislation can be amended quickly to address particular issues, for example, the Elections Act 2001 (which deferred local elections in England, Wales and Northern Ireland due to the outbreak of foot and mouth disease) and the Election Publications Act 2001 (which postponed the operation of new requirements relating to the imprint on election publications introduced by the Political Parties, Elections and Referendums Act 2000).

49. Under the Parliamentary Voting System and Constituencies Act 2011 the next boundary review will be conducted on the basis of the electoral registers in effect at December 2015. Great Britain is currently undergoing a transition to a system of Individual Electoral Registration, and the current electoral registers are a hybrid—including people registered under IER and also, under transitional arrangements, people who had registered under the previous household registration system. The first electoral registers for England and Wales to be produced under IER show that almost one million fewer people are registered to vote than were less than a year earlier, and that over two million people have been retained on the registers under transitional arrangements. In the summer of 2015 the next Government will have to decide whether to bring forward to December 2015, from December 2016, the end date for transitional arrangements to IER. If it decides to bring forward this date it will mean that the December 2015 electoral registers consist only of those people who have registered under IER, and those currently retained under transitional arrangements will be removed. This will determine the electoral registers used for the next boundary review, as well as those which are used for the elections in May 2016 for the Scottish Parliament, Welsh Assembly, the Mayor of London, and various local elections. (Paragraph 98)
50. *We have previously recommended that unless the electoral registers are substantially more complete than at present by May 2015, the Government should not bring forward the end date for the transitional arrangements for IER. We reaffirm this recommendation in the context of the impact that decision will have on the electoral registers to be used at the next boundary review. We also recommend that the Electoral Commission ensures that any advice on whether it is appropriate to bring forward the end date for transition to IER include sufficient information for the responsible Minister to assess the impact of this decision on the next boundary review. This should include an assessment of local variations to changes to electoral registration. We further recommend that the responsible Minister consult the Boundary Commissions on the implications for them, and for the 2018 Review, of bringing forward the end date for transitional arrangements.* (Paragraph 99)
51. The Government is pleased that in October 2015, the House of Lords voted in support of the Government's Electoral Registration and Administration Act 2013 (Transitional Provisions) Order bringing forward the end of the transition to Individual Electoral Registration to December 2015. This was reinforced by the House of Commons also choosing not to oppose the Order.

52. Individual Electoral Registration brings us into line with every other serious democracy in the world. It means we can prove electors are genuine for the first time, and dramatically reduces the risk of electoral fraud. By May 2015, 96 out of every 100 electors had already been confirmed as genuine on the register. Additional funding was provided to support Electoral Registration Officers in their extensive efforts to determine whether the remaining 4 out of every 100 were genuine or ghost entries. It must be noted that, by the end of the transition, any non-Individual Electoral Registration registered entry that was removed, will have ignored at least nine attempts to encourage them to apply under Individual Electoral Registration. The chances of them being genuine electors, as opposed to ghost entries of people who have moved, died or were registered fraudulently, is vanishingly small. Removing these ghost entries was therefore essential to boosting the accuracy of the register and preventing the risk of electoral fraud, particularly ahead of the 2018 boundary review and the elections in May 2016.
53. Importantly, any remaining eligible electors who have been removed at the end of the transition and want to vote in May's elections just need to go to gov.uk/register-to-vote and they will be able to register in as little as 3 minutes.

Conclusion

54. The Government considers it is essential that the Boundary Commissions have certainty as to the rules that will apply for the redistribution of UK Parliamentary constituencies for the next boundary review. The Government has no plans at this time to introduce legislation to make major changes to the boundary review framework. This has necessarily informed the Government's consideration of, and response to, the Committee's recommendations.

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