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Dear Sir / Madam,

With regard to the above consultation, I wish to express my views regarding questions 1 and 4 only.

1. What should the future size of the Northern Ireland Assembly be?

I recommend a reduction in the size of the Assembly to 64 or 72 members, depending on the number of Westminster constituencies in Northern Ireland. The attached document contains the evidence and reasons supporting this viewpoint.

4. Should the Northern Ireland Assembly move to a fixed 5-year term permanently?

The use of a fixed 5-year term for Parliamentary elections is a new innovation and has not yet run for one complete term. Legislation already provides for a review to occur in 2020. Whatever may be decided regarding the timing of the Northern Ireland Assembly election due in 2015 (questions 2 and 3), it would be unwise for the Assembly to move to a 5-year term on a permanently basis until it has become clear that this has been fully tested and found to be a durable change at Westminster. That is not yet clear. Therefore, I recommend that the Assembly should not move to a fixed 5-year term at the moment.

These responses are my own. I am not responding on behalf of any organisation. I am happy for this information to be shared, published and attributed to me.

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# NIO Consultation – Number of seats in the Northern Ireland Assembly

## 1. EXECUTIVE SUMMARY

Question 1 of the NIO Consultation on measures to improve the operation of the Northern Ireland Assembly asks:

- 1) What should the future size of the Northern Ireland Assembly be?

In addition to the issue of the number of seats in the Assembly, the consultation document also alludes to the related matter of whether Assembly constituencies should be the same as Westminster constituencies (so-called "coterminosity").

In this paper, I first look at the issue of coterminosity, then turn to the question of the optimal number of seats. Using the evidence set out in detail below, I answer these questions as follows:

- Retain coterminosity between Assembly and Westminster constituencies; and
- Reduce the size of the Assembly from six-members per constituency to four-members per constituency. Depending on whether the new Parliamentary boundaries come into force, this will create an Assembly of 64 or 72 members from 2015.

## 2. THE LINK BETWEEN WESTMINSTER AND ASSEMBLY CONSTITUENCIES

### 2.1. Past benefits of Coterminosity

It seems clear that the equivalence between Westminster and Assembly constituencies has worked well during the first 14 years of devolution. That is, there have been few, if any, complaints about it. It is likely that the existence of coterminosity has probably had a number of benefits, possibly including but not limited to:

- Greater knowledge by the public of the geography of the constituency in which they reside and its political demographics, which may promote enhanced political involvement and higher voter turnout. Through awareness comes the knowledge to make one's political and community involvement 'count'.
- Reduced administration for political parties and their activists, who do not have to operate with different boundaries for Westminster and Assembly elections. Given the fact that local party branch boundaries could probably only have reflected one set of boundaries were coterminosity not to have existed, this is particularly important.
- A stronger sense of community within the constituency.
- Reduced administration costs, as separate sets of boundaries would require an additional round of work to prepare them, to consult on them and to implement them.

### 2.2. Current Debate

The motivation to review coterminosity presumably emanates from the fact of the reduction in constituencies that could come about as a result of the Parliamentary Voting System and

Constituencies 2011 Act (the 2011 Act). In Wales, where the 2011 Act would have the greatest impact through reducing the number of Westminster seats from 40 to 30, it has been provisionally decided to end coterminosity. This has no doubt prompted the review in Northern Ireland.

However, there are two reasons why Wales's circumstances differ from those in Northern Ireland. Firstly, the proposed change in the number of Westminster constituencies is very much larger, even when considered on a proportionate basis (a 25% reduction versus an 11% reduction). Secondly, the Additional Member Voting System employed for Welsh Assembly elections makes it more difficult to retain coterminosity after the proposed reduction in the number of Westminster constituencies. It would probably have entailed either a consequential large reduction of 10 seats in the Welsh Assembly (which only has 60 members at the moment) or a compensating increase in the number of members elected by regional list. Neither of these is desirable and so coterminosity will probably be ended. But this is not the case under the STV system in Northern Ireland, as there is no distinction between constituency and list members and, although coterminosity does imply a reduction in the number of MLAs, the lever of the number of MLAs elected per constituency can be employed to effectively offset this, if desired. Thus, although the application of the 2011 Act implies a reduction in MLAs from 108 to 96, if this was considered to result in too small an Assembly, the number of MLAs per constituency could be increased to seven (thus creating an Assembly of 112, close to the current numbers).

### **2.3. Recommendation**

In consequence, given the transparent advantages of coterminosity listed above, the limited potential impact of the 2011 Act on constituency numbers (albeit not on constituency boundaries) and the ability of the STV system in any case to offset changes in the number of Westminster constituencies through changes in the number of MLAs, I conclude the coterminosity should be maintained.

## **3. THE SIZE OF THE ASSEMBLY**

Having established the advantages of coterminosity, I turn to the second question of the optimal number of MLAs and whether that means that there should be any additional or offsetting change in the number of MLAs beyond that which may occur as a result of the 2011 Act.

### **3.1. Consistency with Scotland and Wales**

The Northern Ireland Assembly was given an anomalously large number of members when it came into being in 1998. Using the December 2010 electoral statistics that provide the basis for the boundary review under the 2011 Act, there are 38,372 electors per member of the Welsh Assembly, 30,893 electors per member of the Scottish Parliament, but only 11,131 electors per member of the Northern Ireland Assembly.<sup>1,2</sup>

Were the Northern Ireland assembly to reflect the number of electors per representative seen in the other two devolved institutions, it would have only 31 (based on Wales) or 39 (based on Scotland) members. However, there are two reasons to believe that the assembly should not be reduced in size to these low numbers:

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<sup>1</sup> These numbers use local government electoral statistics, which is the relevant electoral roll for elections to the devolved legislatures.

<sup>2</sup> <http://www.ons.gov.uk/ons/publications/re-reference-tables.html?edition=tcm%3A77-210887>

- 1) The extent of devolved competencies. Presently, Northern Ireland has a greater number of devolved powers than either Scotland or Wales. Additional devolution over and above that of Scotland covers the areas of<sup>3</sup>:
  - a. Social security;
  - b. Aspects of employment, transport and energy policy;
  - c. A small but important number of aspects of criminal law – most notably laws on abortion and gambling; and
  - d. Reserved matters in Schedule 3 of the Northern Ireland Act 1998, on which the Assembly may legislate if approved by the Secretary of State.
- 2) The need for an assembly to provide ministers and sufficient numbers of backbenchers to both represent all segments of society and provide sufficient scrutiny of executive activities and new legislation.

If we can determine, the numerical impact of these two points, we can determine the approximate optimal Assembly size.

### 3.2. Determination of the approximate optimal Assembly size

In respect of point 1, these aspects of additional devolution constitute important public policy areas, but still only a portion of Stormont's total devolved competencies. Though it is difficult to quantify their relative importance, they probably account for no more than a third of total devolved powers – and possibly quite a lot less. Thus, this point augurs for a larger Assembly than one derived from an examination of electoral statistics and the relative sizes of the Scottish Parliament and Welsh Assembly, but not a lot larger – perhaps one with 50 to 55 members approximately.

In respect of point 2, the key question is what size of devolved legislature is needed to fulfil these roles. Here, the best guide probably comes from an examination of the sizes of devolved legislatures in the UK and other countries – looking particularly at regions with a similar population to Northern Ireland.

- In Spain, the Basque Country has a slightly larger population (2.1 million) than Northern Ireland and has a devolved legislature of 75 members.<sup>4</sup> However, it should be noted that the Basque Country has additional powers in the form of fiscal autonomy. Aragon is another region of Spain, with a similarly strong sense of historical identity, but a smaller population (1.3 million) and a somewhat lesser form of autonomy. It has an assembly of 67 members.<sup>5</sup>
- In Italy, Sardinia has a very similar population to that of Northern Ireland (1.7 million) and a regional council of 80 members.<sup>6</sup> However, it also possesses considerable fiscal autonomy within Italy. Friuli-Venezia Giulia likewise has devolved legislative and fiscal powers, a population slightly less than that of Northern Ireland (1.2 million) and a regional council of 59 representatives.<sup>7</sup>

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3 From examination of the Northern Ireland Act 1998, the Scotland Act 1998 and the Government of Wales Acts 1998 and 2006.

4 [http://www.parlamento.euskadi.net/c\\_comorga\\_gru\\_ACT.html](http://www.parlamento.euskadi.net/c_comorga_gru_ACT.html)

5 [http://www.cortesaragon.es/Grupos\\_parlamentarios.70.0.html?&L=evawbsra](http://www.cortesaragon.es/Grupos_parlamentarios.70.0.html?&L=evawbsra)

6 <http://consiglio.regione.sardegna.it/XIVLegislatura/consig00.asp>

7 <http://www.consiglio.regione.fvg.it/pagine/legislatura/consiglieri.asp?sectionId=271&subSectionId=273>

- In Canada, the region of Manitoba is the closest to Northern Ireland in terms of population (1.2 million people) and has a devolved legislature of 57 members.<sup>8</sup> Neighbouring Saskatchewan, with a slightly smaller population (1.0 million), has an assembly of 58 members.<sup>9</sup>
- In Australia, the region closest in population size to Northern Ireland is South Australia (1.6 million) and has a Parliament with two houses – one of 47 members and another of 22, making for a total of 69.<sup>10</sup>
- Back in the UK and, as previously noted, the Welsh Assembly operates well with 60 members.
- Lastly, of course, it should be noted that the old Northern Ireland Parliament, which operated from 1921 to 1972, had a total of 78 members (across two chambers).

We may also consider the case of state legislatures in the United States, but the dominant two party system there together with the fact that many state legislatures are part time (especially the ones with smaller populations similar to that of Northern Ireland) make it inappropriate for an analogue.<sup>11</sup>

From all of the above relevant analogues, therefore, it appears that the minimum efficient Assembly size is in the region of 55 to 60 members, with an absolute range for the appropriate size of 57 to 80 members. What is clear is that both the current Assembly of 108 members and the potentially reduced Assembly of 96 members that will result from the application of the 2011 Act will be well above the suggested range and well in excess of *any* of our analogues.

Given the wish to retain coterminosity and the requirement to retain the STV system, our analogues thus suggest two options:

- A four member per constituency assembly of 64 or 72 members (dependent on whether the new constituency boundaries are applied); and
- A five member per constituency assembly of 80 or 90 members (dependent on whether the new constituency boundaries are applied).

### 3.3. Impact on political representation and committees

Final consideration of the choice between these two options should examine whether representation of the various political parties and independents and the Stormont Committee system would be *harmful by choosing a four member per constituency, rather than a five member per constituency*, model. A four member model, of course, starts out with advantages in terms of cost and the fact that it produces an Assembly closer in size to the middle of our suggested range.

Analysis of the most recent election results in 2011 shows that all five of the larger political parties in Northern Ireland would have continued to be represented if constituencies had only four members each.<sup>12</sup> Beyond these parties, Mr Jim Allister of the TUV and Mr Steven Agnew of the Green Party

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8 <http://www.gov.mb.ca/legislature/members/constituency.html>

9 <http://www.legassembly.sk.ca/mlas/>

10 <http://www.parliament.sa.gov.au/Members/Pages/List%20of%20All%20Members.aspx>

11 <http://www.ncsl.org/legislatures-elections/legislatures/full-and-part-time-legislatures.aspx>

12 The projection here can never be quite exact as, whilst it is possible to say what the 2011 results would have meant for a four member per constituency Assembly, it is not possible to factor in the impact of the reduction from 18 to 16 constituencies – but it is clear that such an Assembly would have included all five larger parties.

both only won the sixth seat in their respective constituencies. Therefore, they would not have been elected in either a four member or five member per constituency assembly. The only likely difference in the 2011 results, then, would have been that Independent MLA Mr David McClarty would not have been elected under the four-member model, but may have retained his seat with five members.<sup>13,14</sup>

In terms of Assembly committees, there are presently 19 of these in existence.<sup>15</sup> However, this is not a lot more than the Welsh Assembly, which has between 12 and 18 depending on whether Committee sub-groups are included.<sup>16</sup> Presumably the latter groups should count for at least half a committee and therefore we may say that there are approximately 15 committees in the 60-member Welsh Assembly. On this basis, a 64- or 72-member Northern Ireland Assembly should be able to accommodate 16 committees. In addition, there are opportunities for committee rationalisation. For example, a separate committee is not necessarily needed for each minister or government department – there is an 'Education and Culture Committee' in the Scottish Parliament.<sup>17</sup> Moreover, if the Executive does implement a proposed reduction in the number of departments, the number of required committees will be reduced by default. Therefore, there appear to be no major difficulties in adapting the committee system to the smaller assembly.

A further consideration would be the parallel of the old Northern Ireland Parliament with its 78 members. However, it must be borne in mind that those 78 members were needed to populate a bicameral system. Under a unicameral system, it seems reasonable that the numbers required should be at least slightly less. As a result, 64 or 72 is consistent with historical precedent.

In consequence, there is no particularly strong argument for selecting an Assembly of 5 members per constituency over one of 4 members per constituency, whilst there is a very clear additional cost.

### 3.4. Recommendation

Therefore, I recommend a four-member per constituency model, which, if there are 16 or 18 parliamentary constituencies, means an assembly of 64 or 72 MLAs, which falls comfortably within the 57 to 80 range suggested by the analogues.

## 4. CONCLUSIONS

In summary, my recommendations are as follows:

- Retain coterminosity between Assembly and Westminster constituencies; and
- Reduce the size of the Assembly from six-members per constituency to four-members per constituency. Depending on whether the new Parliamentary boundaries come into force, this will create an Assembly of 64 or 72 members from 2015.

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13 This point depends on how Mr McClarty's vote may have been affected by the new constituency boundaries. It is therefore only possible – but not certain – that he would have retained his seat with a five member model under the proposed new boundaries.

14 Commentary in this paragraph based on <http://www.eoni.org.uk/index/elections/elections-2011-results-and-statistics/ni-assembly-election-2011-results-by-stage.htm>

15 <http://www.niassembly.gov.uk/Assembly-Business/Committees/>

16 <http://www.senedd.assemblywales.org/mgListCommittees.aspx?bcr=1>

17 <http://www.scottish.parliament.uk/parliamentarybusiness/Committees.aspx>