

Newsletter

Issue 2/2011

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- Use of local government district wards as the building blocks for constituencies.
- Use of the electoral regions for the initial allocation of constituencies across England.
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The Parliamentary Voting System and Constituencies Act 2011

1. The Parliamentary Voting System and Constituencies Act 2011 received Royal Assent on 16 February 2011. The Act further amends the Parliamentary Constituencies Act 1986 ('the 1986 Act'). The four UK Boundary Commissions are now required to conduct a review of parliamentary constituencies in their respective parts of the UK and submit final reports on the reviews to Government "before 1st October 2013". The Boundary Commission for England accordingly wrote to the Deputy Prime Minister on 22 February 2011 to confirm that it had formally commenced its review, although under the terms of the 1986 Act the 'review date' is 1 December 2010.
2. The two main requirements of the amendments to the 1986 Act will be that the Boundary Commission for England must allocate a precise number of constituencies to England (calculated from a fixed total for the whole UK of 600 constituencies), and that it must ensure that – unless specifically exempted – every constituency has an electorate that is within 5% of the 'UK electoral quota'. Whilst other factors may be considered, these are all to be subordinate to the 'electoral parity' rule. Full details relating to the other changes made to the 1986 Act – which include the rules under which the Commission must conduct reviews and the processes to be followed – will be included in an information booklet, which the Commission will issue in due course (see the item below headed "Information booklet").
3. Under the new legislation for the 2013 Review, the Commission will be required to base its recommendations on the number of electors whose names appear on the register of parliamentary electors published between 1 December 2010 and 1 February 2011 (see the item below headed "2011 electorate data").

4. The four UK Boundary Commissions have agreed that, for the purposes of the 2013 Review, the total UK electorate is 45,678,175 and that after applying the Sainte-Laguë method as specified in the 1986 Act, the allocation of constituencies to each part of the UK is:

Country	Electorate	Current allocation	New allocation	Reduction
England	38,332,557*	533	500(+2)	31
Northern Ireland	1,190,635	18	16	2
Scotland	3,873,387#	59	50(+2)	7
Wales	2,281,596	40	30	10
Total	45,678,175	650	600	50

* The total electorate shown above for England does not contain the electorate of the Isle of Wight (110,924) which will, according to the Act, comprise two constituencies.

The total electorate shown above for Scotland does not contain the electorate of a) Na h-Eileanan an Iar (21,837) and b) Orkney and Shetland (33,755), which are protected constituencies.

The two protected constituencies in Scotland and the two Isle of Wight constituencies are permitted to have an electorate that is more than 5% from the UK electoral quota.

5. The UK electoral quota is, to the nearest whole number, 76,641. Therefore, every constituency in England, with the specific exemption of the two constituencies to be created on the Isle of Wight, must have an electorate that is no smaller than 72,810 and no larger than 80,473.
6. Following some preliminary modelling work, the Commission has concluded that implementing the new statutory framework is likely to require very extensive and wide-ranging changes to be made to the existing pattern and composition of constituencies. The fact that major changes will be required by the new framework has been noted by a range of politicians, academics and political commentators.
7. The Commission wishes to make very clear that those with an interest in the review process should understand that the defined number of constituencies and the 5% electoral parity target are statutory requirements that it must apply and that it has absolutely no discretion in respect of either matter. Those areas where the Commission does have some discretion, such as the local government boundaries to be observed or the local ties that will be broken by the changes made to the existing constituencies are, as stated above, all subordinate to these two main statutory requirements.
8. The Commission emphasises that one of the effects of reducing the overall number of constituencies allocated to England, together with the requirement that all those constituencies (with the exception of the two Isle of Wight constituencies) must have an electorate that is within 5% of the UK electoral quota, is that many of the existing constituencies that have an electorate that is currently within the 5% parity target will, nonetheless, need to be altered as a result of the need to create feasible constituencies in the surrounding area. It cannot be assumed that, simply because an existing constituency appears to have an electorate within the mandatory parameters of 72,810 and 80,473, it will be immune from change in the course of the review.

2011 electorate data

9. The 2011 electorate data for England, which are derived from the statistics published by the ONS and based on the electoral registers published by local authority Electoral Registration Officers between 1 December 2010 and 1 February 2011, are available on the Commission's website today to download as an Excel spreadsheet. The data contain the electorate for every County, London borough, and District council area and the electorate for every local government district ward (or electoral division).

Local government boundaries

10. The 1986 Act provides that a Boundary Commission "... may take into account, if and to such extent as they think fit- (b) local government boundaries as they exist on the most recent ordinary council-election day before the review date;" Accordingly, the Commission may take into account the local government boundaries as they existed on 6 May 2010. The Commission has decided that it will take into account those local government boundaries when forming its provisional recommendations.
11. Where a local authority has either new wards or changes to ward boundaries that are due to take effect at the local council elections in May 2011, or in subsequent years, these changes will not be taken into account by the Commission in the recommendations that it will be submitting to the Secretary of State.

Use of local government district wards as the building blocks for constituencies

12. The Commission first adopted its policy of using wards as the basic building block for constituencies at the third general review (1976-1983) and it continued with this policy at both the fourth (1991-1995) and fifth (2000-2006) general reviews, where no ward was divided between constituencies. In considering its policies for the 2013 Review, the Commission has decided that it would be desirable, once again, to use whole wards to create constituencies where it is feasible to do so, having regard to the 5% statutory requirement.
13. Using wards will allow the Commission to benefit from the considerable information that is already available about them. The composition and the area of each ward is clearly defined in a Statutory Instrument, and the electoral statistics for each are available from the Electoral Registration Officers for the districts in which they are located.
14. The Commission also noted the other reasons that it had previously given for using whole wards to construct constituencies. These were that:
 - wards are generally indicative of areas which have a broad community of interest.
 - wards usually have an established and well run administrative machinery in place for organising elections within them.
 - wards have an identity that is generally known to the local electorate who understand how they are organised and where they may vote in them.
 - local political party organisations are usually based on wards or groups of wards.
15. The Commission's experience from previous reviews also confirmed that any division of a ward between constituencies would be likely to break local ties, disrupt political party organisations, cause difficulties for Electoral Registration and Returning Officers and, possibly, cause confusion to the electorate.

16. Although work has been undertaken to look at different potential building blocks (such as post code areas) that comply with the statutory criteria, which might be used in the future for mapping constituencies, at the moment there is no sufficiently reliable alternative for which both a full set of digital mapping and electoral statistics exist, which is available for use in the 2013 Review.
17. In those instances where it does not prove feasible to meet the statutory 5% electoral parity requirement using whole wards, or in other exceptional and compelling circumstances having regard to the specific factors identified in rule 5 in Schedule 2 to the 1986 Act, the Commission is prepared to divide wards between constituencies to the extent necessary to meet that requirement or to make allowance for such circumstances. If such situations were to arise, the Commission has decided that it would divide a ward into polling districts (which are determined by local authorities), as the electorates for these units can be calculated from the published electoral registers and it should be possible to obtain paper mapping for them from Ordnance Survey, with the assistance of the relevant Electoral Registration Officers. The Commission considers that the disruption involved in departing from the general approach explained in paragraphs 13 to 16 above and the additional resources and time required to do this in the few cases where it may prove necessary will be proportionate and appropriate in the context of the Commission carrying out its statutory functions. The Commission's view is that, in the absence of exceptional and compelling circumstances arising under rule 5, it would not be proportionate or appropriate to divide wards in cases where it is possible to construct constituencies that meet the 5% statutory requirement without so doing.

Consultation on the use of the electoral regions for the initial allocation of constituencies

18. The 1986 Act provides that the Commission "... may take into account, if and to such extent as they think fit, ..." the boundaries of the electoral regions specified in Schedule 1 to the European Parliamentary Elections Act 2002.
19. The Commission has given careful consideration to what general approach it should adopt to decide how to allocate a fixed number of constituencies to England. At previous reviews, the Commission was not required to allocate such a fixed number of constituencies and there was flexibility in the final number of constituencies it could recommend. Under the new statutory framework, the Commission's previous approach (to allocate constituencies to individual counties and London boroughs, or pairs or groups of them, based on their theoretical entitlements) is no longer viable.
20. In light of the new requirement to allocate a fixed number of constituencies to England and to ensure a manageable and readily comprehensible general framework within which the detailed mapping of constituencies can proceed in an orderly way, the Commission is minded to use the electoral regions, which are already defined in legislation for the purposes of European elections, as a template for grouping and allocating the 500 constituencies across England (other than the Isle of Wight). This use of the electoral regions for the initial allocation would represent a change from its previous methodology and the Commission has therefore decided to consult on its proposed use of the regions, in accordance with section 5(10) of the 1986 Act.

21. There are nine electoral regions:

Eastern	North East	South West
East Midlands	North West	West Midlands
London	South East	Yorkshire and the Humber

22. The Commission's proposed approach would mean that it would first determine the number of constituencies to be allocated to each electoral region. As a matter of principle, the Commission considers that a process of simply rounding up or down the theoretical entitlements to constituencies for each region at the 0.5 point is unsatisfactory because it might not produce a precise allocation of 500 constituencies (excluding the two constituencies allocated to the Isle of Wight) – in fact, rounding the regional theoretical entitlements produced by the 2011 electorates at the 0.5 point would produce an allocation of 502 constituencies (excluding the two constituencies allocated to the Isle of Wight), which would be two more than allowed. For this reason, the Commission proposes to apply the Sainte-Laguë methodology, which is the same methodology as that set out in rule 8 of Schedule 2 to the 1986 Act for the allocation of constituencies to the four parts of the UK. Adopting this methodology has the merit of producing a fair approach towards an allocation within England which corresponds with the approach chosen by Parliament for the allocation between the different parts of the UK. Using the Sainte-Laguë methodology would produce the allocations set out in the table below.

Region	Electorate	Allocation
Eastern	4,280,707	56
East Midlands	3,361,089	44
London	5,266,904	68
North East	1,971,249	26
North West	5,253,019	68
South East	6,192,504*	81
South West	4,042,475	53
West Midlands	4,115,668	54
Yorkshire and the Humber	3,848,942	50
Total	38,332,557*	500

*after deduction of the electorate (110,924) of the Isle of Wight

23. The reason the Commission favours adopting an approach based on an initial allocation of constituencies on a regional basis, subject to any representations to be received, is that this appears to be the most appropriate way in which the Commission could fulfil the task which it has been given by Parliament. The Commission considers that adopting this process will enable it best to meet the statutory requirement to allocate a precise number of constituencies to England which all satisfy the statutory 5% electoral parity requirement (subject to the exception made for the two constituencies to be allocated to the Isle of Wight). It seems to the Commission that such a process will allow that objective to be achieved in a way which best affords recognition to regional and local affiliations while at the same time making its task manageable within the statutory timetable (since this general approach will limit the number of permutations and combinations of wards and, as necessary, polling districts which need to be considered in order to comply with the new

statutory requirements). The Commission also notes that rule 5(1)(c) of Schedule 2 to the 1986 Act provides that it may take into account the boundaries of the existing constituencies and that all those constituencies are wholly contained within the boundaries of the electoral regions – so a region-based approach seems to be appropriate as a method which gives proper weight to that factor.

24. It also seems to the Commission that the proposed approach is structured and orderly and can readily be understood by those who wish to make representations to it regarding the detailed mapping of constituencies in their area in accordance with the 1986 Act. It will assist the public to produce focused and practical representations. Further, the new Schedule 2A to the 1986 Act requires the Commission to hold public hearings in each region to consider “proposals for that region”, and it seems that the adoption of a region-based approach is likely to be the best way to ensure that such public hearings can be conducted effectively within the limited time allowed for them under the Act.
25. However, the Commission is anxious to ensure that it has not overlooked any matter which might suggest that a better general approach exists, and so has decided to consult at this stage.
26. If, after consideration of responses to this consultation, the Commission does decide to adopt this proposed approach based on the electoral regions, it will not prevent anyone from making further representations under the Act; but it is likely that compelling reasons would need to be given at that stage to persuade the Commission then to depart from employing such an approach in making its detailed recommendations on the mapping of constituencies.

Consultation Question

Do you agree with the Commission’s proposed use of the electoral regions and the Sainte-Laguë methodology (paragraphs 21 to 25) for the initial allocation of constituencies?

Please give reasons for your approval or objection. In particular, objectors are asked to say what method of allocation they would propose in place of grouping the constituencies according to the electoral regions.

27. Written representations in response to the above question should be sent by e-mail to **information@bcommengland.x.gsi.gov.uk** or by post to the Commission at:
**The Boundary Commission for England,
2nd Floor, 35 Great Smith Street,
London,
SW1P 3BQ**
28. All representations must be received by no later than **16.00 on Friday 1 April 2011**. Please ensure that you allow sufficient time between dispatch of the representation (postal or e-mail) and the deadline.

29. All representations received before the deadline will be acknowledged. The Commission will only consider late representations on an exceptional basis, where the sender can demonstrate that the representation was sent a reasonable period before the deadline and failed to reach the Commission on time due to reasons beyond the sender's control. Except in such cases, late representations will not be considered.

Information booklet

30. As with previous general reviews, the Commission has decided to issue an information booklet to assist with making the review process more widely known and understood. The booklet is intended to help those who wish to participate in the 2013 Review by outlining in more detail the statutory rules the Commission must have regard to in making its proposals and the processes it is required to follow, to facilitate informed public debate on the proposals.

31. It is expected that the booklet will be published by the end of April 2011. It will be issued to all MPs who represent an English constituency, the headquarters of the Parliamentary political parties, the House of Commons library, the Chief Executives of each County, District, London and Metropolitan borough council, all Electoral Registration Officers, and those who are already on the Commission's general mailing list. A copy of the booklet will also be placed on the Commission's website.

If you are not one of those listed in the preceding paragraph, and you wish to receive a copy, please telephone the Commission's Secretariat on **020 7276 1335** and request that you are added to the general mailing list. Alternatively, please email **information@bcommengland.x.gsi.gov.uk** or write to

**The Boundary Commission for England,
2nd Floor, 35 Great Smith Street,
London,
SW1P 3BQ**

Meeting with the Parliamentary political parties

32. As has been the practice at previous general reviews, the Commission will hold a joint meeting with the representatives of the English Parliamentary political parties in early April 2011. The meeting is being held to discuss the statutory rules to which the Commission must have regard, the processes it is required to follow and broad issues of policy regarding the conduct of the review. It will not consider any specific boundary proposals.