

APPROVAL OF INFORMATION BOOKLET

General

1. Attached at Appendix A to this paper is the revised draft of the Information Booklet. The Information Booklet is the primary source of printed information about the 2013 Review, as it aims to set out comprehensively the detailed process for the review, including the relevant statutory framework, and policy decisions taken by the Commission within that. Accordingly, the Information Booklet will be used by various parties wishing to understand the Review process and the Commission's approach to it: not only those directly wishing to make representations during the consultation periods, but also the media, and – potentially – a court in the context of a judicial review.
2. The booklet therefore needs to fulfil two key aims. On the one hand, it needs to explain accurately both the statutory requirements and any policy decision made by the Commission, in a manner that will withstand legal scrutiny and potential challenge. At the same time, the Information Booklet also needs to be written in a manner that is accessible and readily understandable to a general member of the public, to enable them to be clear about the process and how they can most effectively participate in it.
3. At the time of writing this paper, the Secretariat and Members have seen the final draft of the equivalent booklet being published by the Boundary Commission for Scotland. In general terms, that booklet takes a fairly restricted factual approach, thus going into a little less detail on a number of matters than our draft does. Where there are particular differences of policy approach between the Commissions, these are highlighted below. We have not yet seen a draft of the equivalent booklets to be published by the Boundary Commissions for Wales (publication anticipated at the end of May or early June) or Northern Ireland (publication anticipated at the end of June or early July).
4. The remaining sections of this cover paper provide a narrative to the separate sections of the Information Booklet, highlighting particular areas that may require Members' scrutiny to ensure they are content. This meeting is likely to be the last before the intended time of publication of the booklet, and we are therefore now seeking Members' sign-off of the text (subject to specific drafting points). As noted below, the exception will be on two specific issues (public hearings and privacy of personal details on representations), on which policy is being finalised contemporaneously.

Separate summary leaflet

5. Whilst the Information Booklet will be the Commission's definitive 'guide to the review', the Secretariat also propose that a very short summary leaflet be produced and published alongside the full booklet. This will summarise the process and key policies, but leave out the underpinning detailed background and explanations contained in the booklet. The intention is that this leaflet could be made more readily available in printed form, and may well be more accessible for most individuals who merely want as basic guide to how to participate and when key stages of the process take place. The Secretariat

will table a draft mock-up of such a leaflet at the meeting for illustrative purposes, with final clearance sought by e-mail later.

Process following meeting

6. Following the Commission meeting on 8 June 2011, any final textual changes Members have requested to the Information Booklet will be incorporated, together with final draft passages dealing with matters on which policy is being finally settled at the 8 June meeting, i.e. a) public hearings; and b) redaction of personal details on representations. A final draft will then be circulated to Commissioners for formal sign-off, to allow publication by the end of June (i.e. before summer recess).

Introduction

7. This simply sets the scene for the remainder of the substantive information about the current review in the booklet: stating the nature of the Commission and what its duties are (along with the Constitution of the Commission set out in Appendix A to the booklet); establishing the '2013 Review' terminology; setting out our contact details in full; and making clear the electoral boundaries in the UK for which we are not responsible (redirecting people interested in those appropriately with the contact details in Appendix B to the booklet).
8. Crucially, the Introduction highlights the fact that the Parliamentary Voting System and Constituencies Act 2011 has significantly altered the boundary review process. Without losing the message in the detail of the changes (which are explained later), this section makes a clear and simple statement that significant change is to be expected as a consequence of these statutory changes. Members have previously agreed that this is a critical message to be communicating clearly throughout the review. Appendix C provides the relevant extract from the Act, detailing the new statutory rules.

Preparing for the Review

9. This section sets out the details of the process that precedes the substantive analysis work on the review. In particular, it establishes the statutory requirement to use the local government boundaries as at 5 May 2010 and the electorate figures as at 1 December 2010. This section also summarises the effect – in the 2013 Review – of the statutory rules dealing with the overall number of seats in the UK and their sub-division amongst the four parts of the UK.
10. It then goes on to summarise the consultation conducted by the Commission earlier this year on the further sub-division of England into the European Parliament election regions, and the distribution of the total number of English constituencies between those regions. This part references the relevant Newsletters that initiated the consultation and analysed the responses, and details the results, most importantly making clear the Commission's policy relating to representations that contain one or more constituencies that cross a regional border.
11. Finally, this section makes clear that the Commission takes the views of the Parliamentary political parties before settling its final policies, at the same time

distinguishing this from consulting them on the substantive proposals being developed for any area.

Developing proposals – requirements and policy

12. This and the following section are the real core of the booklet, as they describe the substantive work of the Commission. However, the section begins by making absolutely clear the pre-eminence and mandatory nature of the new ‘Rule 2’, requiring that the electorates of constituencies proposed to be within a 5% tolerance of the UK electoral quota figure. The section crucially sets out the relevant figures for minimum and maximum constituency electorates for the 2013 Review, and identifies the fact that two Isle of Wight constituencies are protected and exempt from this Rule.
13. Having established the clear primacy of Rule 2, this section then goes on to outline the other statutory factors to which the Commission may have regard. These are presented in the order they are listed in the Act itself. The most important aspects to note in this part are:
 - The Commission’s statement and explanation of its position on the use of wards as the ‘building blocks’ of its constituencies. Critically, this spells out and explains the Commission’s position that it does not wish to split wards in the constituencies it ultimately recommends, unless there are exceptional and compelling reasons for it needing to do so. This differs slightly from the approach being taken by the Boundary Commission for Scotland, but Members have indicated they are content with that difference, due to the different circumstances.
 - The statement that boundaries of existing constituencies will be taken into account, but the extent to which existing constituency boundaries will remain untouched is likely to be severely limited, and the explanation for that.
 - The statement that it is not the Commission’s policy to get a constituency electorate ‘as close as possible’ to the electoral quota figure, but rather to ensure that all fall within the 5% tolerance allowed, whilst taking the other statutory factors into account as far as possible.
14. The section goes on to spell out some factors that we can anticipate might otherwise be raised in support of a representation, but are matters that the Commission expressly will not consider. As well as the obvious aspect of party political ramifications of proposals, the key points are:
 - That new ward boundaries introduced after 6 May 2010 will not be taken into account, except where the Commission is already exploring the option of splitting a ward in an area and needs to determine where the split should run;
 - That prospective changes to electorates after December 2010 are also not taken into account. We would welcome Members’ views on the question of the extent to which actual – as against projected – electorate change between December 2010 and our final recommendations may be taken into account where there is an otherwise fine decision to be made between alternatives as to where a boundary should lie.
15. Finally, this section outlines the Commission’s policies as regards the naming and designating of constituencies. Although generally a relatively small part of the overall

time taken by Members in the reviewing of constituencies (and therefore a relatively small part of this section of the booklet), these are often matters to which individuals can feel very attached. It will therefore be very important to ensure that this aspect of the booklet accurately reflects the Commission's policy in both developing the initial proposals and moving forward through the process.

Developing proposals – process

16. This section is a largely factual guide to the end-to-end process of the 2013 Review, the intention being to inform the reader of the detail of the stages the proposals go through, and particularly when and how interested parties can most effectively make their views known. Thus the section picks up from the Commission's decision to work within regions; and details: the further sub-division into 'paired' counties/unitaries as working units; the initial consultation; secondary consultation; analysis and further consultation on revised proposals; further analysis; and publication of final recommendations and the report to Government. Key points to note in this section are:

- The text flags up the likelihood that the effect of Rule 2 will be that boundaries between counties (and between London Boroughs) will have to be crossed by constituencies;
- The likely timing of publication of initial proposals is set out. As the Commission has already confirmed to the Parliamentary political parties the particular week we are aiming for publication in (and this has subsequently appeared in the media), Members may wish to consider whether to formalise this more refined timing in the booklet text;
- The final text dealing with the personal details of those submitting written representations will be inserted following Members' final decisions on the matter (being taken at the same meeting as this paper is being considered);
- The section on public hearings will need to be refined further, to take account of Members final decisions on public hearings policy, again being taken at the same meeting as this paper.
- The text highlights the equivalent weight given to written representations and oral presentations at public hearings (as recorded in verbatim transcripts) – one of the key concerns of the political parties;
- We specifically seek to encourage participation in the consultation process, particularly highlighting the importance of actively expressing support for our proposals, as silence is not assumed to be consent.
- The text is clear about the transparency of the process throughout, with publication of all representations received at the most appropriate following stage in the review process.

17. Members may wish to consider including an Appendix – or table in the body of the text – outlining the key stages and likely timings of the review process up to and including submission of the final report.

After the Final Report

18. This section just completes the picture by outlining the post-report process for implementing the revised constituencies. The text of this section has been cleared as factually accurate by Cabinet Office, who would have responsibility for that part of the process.

