

## **ASSISTANT COMMISSIONERS INDUCTION ARRANGEMENTS**

### Introduction

1. Members selected 27 individuals on 18 July to recommend for appointment to the Secretary of State. Those appointments should have been made to commence in early September, and the focus now shifts to ensuring that those individuals are suitably trained and briefed prior to the first duty that some of them will be called upon to perform: chairing public hearings in October and November. This paper sets out the detail of the arrangements for that induction process, and includes the text of the overarching briefing document (incorporating formal guidance to the Assistant Commissioners on the chairing of public hearings).
2. Induction and briefing of Assistant Commissioners is proposed to consist primarily of written material, but also to include a face-to-face session, likely to last around half a day and currently planned for mid-late September.
3. Members approval is sought on the framework and general approach to the induction and training arrangements. In terms of the detailed content, much of this is a development of matters on which Members have previously taken decisions.
4. However, there are also two new key areas where Members' specific approval is sought:
  - a) the arrangements proposed for settling the provisional timetable for a hearing between the Secretariat and the hearing chair some two weeks before the hearing. In particular, it should be noted that whilst we may request advance written information from a prospective presenter about their proposed presentation, we may not always receive that, and it may also serve to raise unhelpful expectations about the nature of the public hearing (not least in respect of the difference between a hearing and an 'old style' local inquiry). Additionally, there is a question of whether a provisionally agreed timetable should be published (the balance here being between generating interest when key personalities are seen to be speaking, versus the same 'raising unhelpful expectations' point); and
  - b) the formal guidance to hearing chairs on the procedure they employ at the hearing itself.

### On publication ('The Induction Pack')

5. The Secretariat propose to send a pack to all Assistant Commissioners at the time that the initial proposals are published. It is proposed that whilst this contains Chapter or Annex headings and dividers for material relating to stages throughout the whole period of their work, the final version of the material relating

to the later analysis and report work should only be sent closer to the time it is needed (although an indicative non-final draft of the main chapter can be sent now). A draft of the template for the proposed Induction Pack – taking the South East region as an example - is attached at **Annex A**.

6. Members will note that it incorporates and cross-references existing printed and published material attached as Annexes to the Pack as far as possible (such Annexes are not reproduced for approval at this meeting). However, more detail is provided in relation to the application of Commission policies, in particular where there may be known issues on one or more of these aspects likely to arise in the particular region to which the Assistant Commissioner has been allocated.
7. In addition to general information about the Commission, and specific information about the role we envisage for Assistant Commissioners, the Pack will include information specific to the region to which the Assistant Commissioner has been allocated. This section will include: some general background briefing on the region; the initial proposals report for their region (including the A3 and A0 maps); and a short covering paper for the proposals, highlighting the main likely issues in a region and key alternatives we looked at (to include the ‘contemporaneous notes’ that were taken as the proposals for the region were discussed with Members and alternative schemes approved or rejected).
8. Members attention is specifically drawn to the Guidance on chairing public hearings that appears at Annex 6 of the Pack. Members have previously indicated that, whilst respecting the breadth of discretion given to public hearing chairs by the Act, it would nevertheless be appropriate for the Commission to give chairs some light touch standardised guidance, so as to seek to achieve a reasonable level of consistency across the delivery of all public hearings. The draft pack makes a distinction between practical arrangements surrounding the administration of a public hearing, which the Commission itself will have had to establish – and publicise - well in advance of hearings commencing (Chapter 3 of the Pack), and the guidance to Chairs as regards procedure ‘on the day’, which falls within the ambit of the chair’s discretion (Annex 6 to the Pack).
9. The Pack at the time of issue will also include some technical factual information about travel and subsistence rates, and the process for making claims for fees and reimbursement.

#### Weeks 2-3 of the initial consultation period (19-30 September)

10. Having allowed a week or two for the newly-appointed Assistant Commissioners to read through their initial Induction pack material, we would then propose that they be invited to attend the Secretariat offices for a short face-to-face session. We propose to offer two or three specific dates from which to choose.
11. This session would likely be no more than a half-day, which will be an opportunity to:
  - a) meet the senior management team in the Secretariat and the specific Review Team staff; and

- b) talk through the material sent already in written form (particularly the initial proposals for a region, and how our policies have been applied there), and answer any specific questions that the individuals have on that.

12. Members have indicated a desire to meet at least the nine individuals designated as the Lead Assistant Commissioner in each region, and this would appear to be the ideal occasion for that, if Members are available.

#### Prior to a hearing

13. A week or two before a public hearing, the Chair of that hearing will receive a short written briefing from the relevant Review Team Manager, summarising the general tone of the written representations received so far on that region. We propose that this should not be overly detailed, but just give a flavour of the sort of thing that is likely to be raised in the hearing.

#### After initial and secondary consultation

14. As soon as possible after each consultation period has closed, the Assistant Commissioner will be sent all the written representations received (and public hearing transcripts) for their designated region. This will be covered by an insert for their Induction Pack, drafted by the relevant Review Team Manager, summarising the key themes and counter-proposals emerging from those written representations and transcripts.

15. This will also be the point at which the final version of the Chapter of the Pack dealing with the analysis and representation work will be sent out. However, as noted above, we recommend that the current draft of that Chapter should be sent now to give Assistant Commissioners a feel for the later part of the process and allow us to resolve at an early stage any questions they may have about that aspect.

#### Conclusion and recommendations

16. Members are invited to:

- a) Approve the overall process for induction and training of Assistant Commissioners;
- b) Approve the detail of the arrangements for finalising a provisional hearing timetable with the hearing chair; and
- c) Approve the guidance to chairs on the procedure for the hearings.

**Boundary Commission for England**

# **2013 Review**

**Briefing Pack  
for the Assistant Commissioner  
conducting a Public Hearing  
for the South East region**

**September 2011**

## Contents

<b>Part 1</b>	<b>Introduction &amp; Background</b>	
<b>Part 2</b>	<b>The Commission, statutory framework, and our policy</b>	
<b>Part 3</b>	<b>Public Hearings</b>	
<b>Part 4</b>	<b>Analysis and Report</b>	
<b>Part 5</b>	<b>Claiming for Fees and Travel &amp; Subsistence</b>	
<b>Annex 1</b>	<b>The Parliamentary Constituencies Act 1986</b>	
<b>Annex 2</b>	<i>Guide to the 2013 Review</i>	
<b>Annex 3</b>	<b>BCE Newsletters 2/2011 &amp; 3/2011</b>	
<b>Annex 4</b>	<b>Extracts from relevant Commission internal meetings</b>	
<b>Annex 5</b>	<b>Minutes of meetings with political party representatives</b>	
<b>Annex 6</b>	<b>Guidance to Chairs of public hearings</b>	
<b>Annex 7</b>	<b>Example of final report to Commissioners</b>	
<b>Annex 8</b>	<b>Initial proposals report for South East region</b>	
<b>Annex 9</b>	<b>Summary of representations for South East region during initial consultation period</b>	
<b>Annex 10</b>	<b>Summary of representations for South East region during secondary consultation period</b>	

## Part 1 – Introduction & Background

### Introduction

1. This brief has been prepared for the Assistant Commissioner(s) appointed to support the Commission in respect of the development of proposals for new Parliamentary constituency boundaries in the South East region.
2. The brief has been prepared to assist you with your responsibilities in supporting the Commission. In particular, it looks at:
  - a) the chairing of public hearings for the region (if the Commission asks you to chair any); and
  - b) the subsequent analysis of both the oral representations received during those public hearings (in the form of a verbatim transcript), and the written representations received during the two consultation periods relating to the publication of the initial proposals.
3. Finally, the brief looks at the delivery of a composite final report on the region to the Commission, with recommendations based on the analysis.

### Background

4. We suggest that before reading the rest of this document, you familiarise yourself with the content of the Annexes that are attached to it. These are:-
  - a) The Parliamentary Constituencies Act 1986, as amended by the Boundary Commissions Act 1992 and the Parliamentary Voting System and Constituencies Act 2011 (hereafter referred to as ‘the 1986 Act’) (**Annex 1**);
  - b) Our booklet “A guide to the 2013 Review” (‘the Guide’) (**Annex 2**);

- c) Our published Newsletters No.2/2011 - No.3/2011 (**Annex 3**);
- d) Relevant extracts from the minutes of our meetings of 21 February and 4 April 2011 (**Annex 4**); and
- e) The minutes of our meetings with the representatives of the Parliamentary political parties which took place on 4 April and 17 May 2011 (**Annex 5**).

## **Part 2 – The Commission, statutory framework, and our policy**

### **The Commission and the review**

5. Our constitution is set out in Appendix A to the Guide and the task we must undertake is explained in paragraphs 1-4 on page 3 of the Guide.
6. We wrote to the Deputy Prime Minister on 22 February 2011 to confirm that we had formally decided to commence this review. Under the terms of the 1986 Act, as explained in paragraph 15 of the Guide, the review date is 1 December 2010. The main provisions of the 1986 Act, insofar as they relate to England, require that:-
  - a) we must reduce the number of constituencies in England from 533 to 502. In the South East region the number of constituencies is being reduced from 84 to 83 (see paragraphs 18-26 of Newsletter No.2 and paragraphs 9-10 of Newsletter No.3); and
  - b) every constituency (except four specified exceptions) must have an electorate that is no more than 5% above or below the electoral quota (the average electorate of all non-exempted constituencies across the UK).

### **The electorate, the electoral quota, and the electoral size of the constituencies**

7. Information about the electorate we are required to use is set out in paragraph 15 of the Guide and paragraph 9 of Newsletter No.2. The total 2011 electorate for England is 38,443,481. However, for the purposes of establishing the UK electoral quota, the Act requires that the electorate of the Isle of Wight (and two Scottish constituencies) is excluded from the calculation. The electoral quota for the review is, to the nearest whole number, 76,641.



8. Rule 2 of Schedule 2 to the 1986 Act requires that every English constituency, excluding the two constituencies allocated to the Isle of Wight, shall have an electorate that is no less than 95% of the electoral quota and no more than 105% of the electoral quota. Therefore, the range in which the electorate of each constituency must fall is 72,810 - 80,473. These matters are covered in paragraphs 23-25 of the Guide and paragraph 5 of Newsletter No.2.

### **The geographical size of constituencies**

9. Rule 4 requires that a constituency shall not have an area of more than 13,000 square kilometres. This will not be an issue for any of the constituencies in this region, or anywhere in England: the largest constituency we have proposed has an area of 2,603 square kilometres (Hexham CC in the North East region).

### **Local government boundaries**

10. Information about the local government boundaries we are using for the review is set out in paragraphs 16, 28-29, and 37-38 of the Guide and paragraphs 10-11 and 17-18 of Newsletter No.2. This confirms that we decided as a matter of policy that we would have regard to the local government boundaries that were in use at the local elections on 6 May 2010.
11. The Local Government Boundary Commission for England (LGBCE) is responsible for the review of local government boundaries (county – both two tier and unitary, district, and ward) and every year, almost without exception, it makes proposals for change to the boundaries of a large number of local authorities. We noted that if we used the local government boundaries in force on 6 May 2010, we would be using a boundary set that had experienced the smallest amount of change for some years and, as such, it would provide us with a more stable pattern of local government boundaries on which to base the review.

12. The LGBCE's work programme after May 2010, which we have discussed with them, indicates that a large amount of change has been, and will be, introduced to local government boundaries during 2011, 2012, and 2013. In these circumstances, we have decided that it would not be possible to take account of the numerous changes made to local government boundaries during the lifetime of the review.
13. The South East region is made up of a mix of counties and the more newly created unitary authorities (such as Medway) that have the status of counties. However, it should be noted that whilst the six local authorities in Berkshire were created as unitary authorities, uniquely they do not have the status of counties and for the purpose of this review they are to be regarded as district councils within the county of Berkshire (i.e. a two tier authority).

#### **Local government district wards (or electoral divisions)**

14. Our policy on the use of wards (referred to as electoral divisions in some unitary authorities) is set out in paragraphs 12-17 of Newsletter No.2 and paragraphs 17-18 in Newsletter No.3. It is worth noting that in formulating our initial proposals for the 502 constituencies, we have been able to design each of them to achieve electorates that are all within the prescribed limits, without the need to divide a single ward between constituencies.

#### **European Electoral Regions (EERs)**

15. The reasons behind our decision to use the EERs to achieve an equitable distribution of the constituencies across England are set out in paragraphs 17-20 of the Guide and paragraphs 18-26 of Newsletter No.2. The outcome of our public consultation on the use of the EERs is set out in paragraphs 2-15 of Newsletter No.3.

16. It should be noted that whilst our initial proposals respect the boundaries of the EERs, those objecting to the initial proposals may submit counter-proposals for constituencies that cross the regional boundaries, though we have said that such a counter-proposal would need to be compelling to be accepted.
17. For clarity and to avoid public confusion over European matters, in our initial proposals reports and other documentation, we will be referring to these areas as simply “regions”, rather than the EERs.

## **Other factors**

### Special geographical considerations

18. Rule 5(1)(a) provides that we may take into account “special geographical considerations, including in particular the size, shape and accessibility of a constituency”. The Commission considers that “special geographical considerations” relate to physical geography such as mountains, hills, lakes, rivers, estuaries, islands etc and not to matters of culture, history, social economics which are more likely to arise as matters for consideration under “local ties”, which is a separate factor (see below).
19. The continuing reference to “size” in the wording of this rule (which is unamended from the previous version of the 1986 Act) may have been overlooked when the Parliamentary Voting System and Constituencies Act 2011 added to and amended the other rules. The electoral size of a constituency is specifically provided for by new rule 2, and the physical size of a constituency is expressly provided for by new rule 4, leaving no other application of ‘size’ that we can envisage in this context.
20. The 1986 Act offers no definition of either “shape” or “accessibility”. However, we consider that the introduction of the 5% parity target for constituency electorates means that achieving a “desirable” constituency shape may prove more difficult than was previously the case and, in the past, the shape of a

constituency was often considered to be sub-ordinate to the other matters we had to have regard to.

21. The one area that we do consider extremely important in respect of the shape of a constituency is that it should be formed from wards (or electoral divisions) that are contiguous (i.e. that they are adjacent to each other) and that we should not create a constituency that contains physically detached parts (see paragraph 35 of the Guide).
22. However, we recognise that there might, on rare occasions, be instances where although ward boundaries are contiguous, it would nevertheless not be possible to travel between two points in a constituency without passing through areas contained in another constituency: for example this might result where ward boundaries meet in the middle of a river. We consider that whilst such a situation would be undesirable, it may be necessary if outweighed by the undesirability of other factors inherent in possible alternative configurations for the area.

### Existing constituencies

23. Rule 5(1)(c) provides that we may take into account the boundaries of the existing constituencies. Our practice in this respect is set out in paragraph 32 of the Guide. Our initial proposals result in the retention of 81 constituencies (15.2%) out of the existing 533 constituencies. In the South East region, we have been able to retain 16 constituencies out of the existing 84 (19%).

### Local ties

24. Rule 5(1)(d) provides that we may take into account any local ties that would be broken by changes in constituencies. Paragraph 31 of our Guide looks at local ties in terms of the disruption that may be caused by dividing a ward. Local ties may well also be argued before you as the basis for why a constituency should be constructed differently.

25. Local ties are a very subjective matter and will mean different things to different individuals. Past experience suggests that local ties may be argued in relation to: travel to work patterns; school catchment areas; the use of local facilities (libraries, swimming pools, shops etc); connections with other local communities (including historical links); local fetes and other social occasions; etc.

### Inconveniences

26. Rule 5(1)(e) - which relates to the “inconveniences attendant on such changes” (to constituencies) - is disabled for this review, but will apply to future reviews.

### **The naming and designation of constituencies**

27. In making our recommendations to the Secretary of State, we are required to recommend a name and designation for each proposed constituency: the 1986 Act contains no guidance on these two matters. Our policy is set out in paragraphs 42-47 of the Guide.

## Part 3 – Public Hearings

### Number, location, and dates of public hearings

28. We must undertake between two and five public hearings in each region in England, each hearing to be completed within two days. Public hearings are opportunities for the general public to make oral representations directly to us. Our approach to public hearings is outlined in paragraphs 64-73 of the Guide.
29. We have decided to hold five hearings for the South East region – the maximum permitted under the Act. The first of these we have designated as the ‘lead’ hearing in the region, the consequence of which is a slightly earlier start on the first day, to accommodate the main political parties presenting their overall view for the whole region (the expectation is that they do not then need to repeat that overarching aspect at each subsequent hearing in the region).
30. The hearings in the region have been scheduled as follows:-
- a) **Reading**
- Thursday 20 and Friday 21 October 2011 at the Royal Berkshire Conference Centre, Madejski Stadium, Reading, Berkshire, RG2 0FL. The hearing on Day 1 will start at 10am and finish at 8pm, and on Day 2 will start at 9am and finish at 5pm.
- b) **Milton Keynes**
- Monday 24 and Tuesday 25 October 2011 at Milton Keynes Council, 1 Saxon Gate East, Central Milton Keynes, MK9 3EJ. The hearing on Day 1 will start at 11am and finish at 8pm, and on Day 2 will start at 9am and finish at 5pm.

c) **Portsmouth**

Thursday 27 and Friday 28 October 2011 at the Civic Offices, Guildhall Square, Portsmouth, PO1 2AL. The hearing on Day 1 will start at 11am and finish at 8pm, and on Day 2 will start at 9am and finish at 5pm.

d) **Crawley**

Monday 31 October and Tuesday 1 November 2011 at the Crowne Plaza Hotel, Langley Drive, Crawley, West Sussex, RH11 7SX. The hearing on Day 1 will start at 11am and finish at 8pm, and on Day 2 will start at 9am and finish at 5pm.

e) **Maidstone**

Thursday 3 and Friday 4 October 2011 at the Ramada Hotel, Ashford Road, Hollingbourne, Maidstone, Kent, ME17 1RE. The hearing on Day 1 will start at 11am and finish at 8pm, and on Day 2 will start at 9am and finish at 5pm.

## **The conduct of the public hearings**

### General

31. The Act gives a very broad discretion to the Chair of a public hearing about the procedure that governs that hearing (see paragraphs 5-8 of Schedule 2A to the Act). At the same time, it will be important for reasons of fairness across the review as a whole that those attending any public hearing receive as far as possible a similar experience in terms of accessibility and ability to make their oral representation.
32. The Commission has therefore drawn up the following standardised arrangements surrounding the events, and prepared some general guidance to Assistant Commissioners chairing public hearings on the procedure on the day of the hearing itself (**Annex 6**). We would expect you to adhere to this guidance as far as reasonably possible.

### Before the day

33. The Commission will be encouraging individuals to pre-register to attend a public hearing, both for giving a presentation and for simply observing. For those wishing to make a presentation we will ask for a written summary of the points their presentation will seek to make.
34. Ten working days before a hearing, we will send to the Assistant Commissioner chairing that hearing a list of the individuals who have asked to speak, their presentation summaries, and a suggested provisional timetable for the two days of the hearing, to be agreed.
35. The Chair is not required to give the same amount of time to everyone wishing to speak, or indeed allow a speaking opportunity at all to everyone who requests one (except the three main political parties and – in the South East only – the Green Party). Depending on the level of demand and/or the extent of overlap in the content of the proposed presentations, the Chair may therefore give individuals time slots of variable lengths, or provisionally not allow them to speak at all.
36. Once the Chair has settled a timetable with us, we will notify the decisions to all those requesting a speaking slot, and publish the timetable for the hearing. We would aim to do this no later than 5 working days before the hearing. If we receive further speaking requests before the day of the hearing, we will consider these on a case by case basis with the Chair.

### On the day – support

37. As the Chair of the hearing, your role is to manage the efficient running of the hearing on the actual day and, crucially, ensure that you have properly listened to and absorbed the views put to you by those making oral representations. The Commission will provide a small team of its Secretariat staff to support you in the first of these roles, and a verbatim transcript will be taken to support the latter role.



38. The Secretariat will provide administrative support on the day, covering such matters as: running a registration desk at the hearing to check in speakers and audience members who have pre-registered; monitoring numbers overall; liaising with the venue providers over domestic matters such as provision of security, refreshments, PA system and fire drills; and running the laptop and projector for visual aids in support of presentations.
39. As a minimum, the Secretariat's staff team will consist of: a senior manager as the primary representative of the Commission; a review team officer or manager with particular knowledge of the proposals for that region; and one or two support staff to assist with general administration of the event. A 'lead' hearing will also be attended by the Secretary to the Commission and (on the first day at least) the Secretariat's communications manager. A listing of named individuals will be provided to the Chair around one week before the hearing.
40. In order to protect your independence in the review process, you should not attempt to defend or explain the initial proposals of the Commission. If there are questions of clarification about those, these should be referred to the Commission's senior manager present.

#### On the day – timetabling

41. As noted above, we will have agreed with you in advance a timetable for the hearing, which will have been published. Overall, the first day of a hearing will be scheduled to start at 11am and finish at 8pm, whilst the second day will start at 9am and finish at 5pm (though there may be some scope to extend the finish time if necessary). A 'lead' hearing (see above) will commence at 10am on the first day, in order to provide the extra time for the main parties' extended region-wide presentations.

42. Under the provisions of paragraph 6 of Schedule 2A to the 1986 Act, the Chair is required to have the hearing to begin with an explanation of “the proposals with which the hearing is concerned” and “how written representations about the proposals made be made”. We intend that a short statement (no more than five minutes in length) focusing on the key points of the proposals for the region should be made by the senior manager of the Commission’s Secretariat. We propose that a printed version of the statement also be made available throughout the duration of the hearing for any person who attends.
43. Following the statutory presentation of the Commission’s information, the Chair will then proceed to call each presenter in turn to make their oral representation. Each may well have visual aids they wish to use, and we will have sought to accommodate those as far as possible.
44. As hearing venues are only available for fixed time periods, and the Act does not allow a hearing to run for more than two days, it is vital that you exercise strong control in managing the proceedings. You may need to curtail speakers whose submissions contain matters that are not relevant (e.g. are clearly grounded in reasoning concerning party political benefit), or whose submissions appear to be too lengthy to be accommodated within their time slot.

#### On the day - Questioning

45. The Chair will also need to exercise a strong degree of control in respect of what questions, if any, you allow to be asked of those (the presenter) making oral representations. Of course, in addition to any issues on which you may want to seek clarification from the presenter, there may be requests from others present at the hearing to ask questions. Whilst you will have sole discretion as to whether to allow such questioning, we would expect it to be permitted where you consider there is good reason.

46. If you do decide to allow questions from the floor, we consider that any question should be intended only to clarify understanding and not to provide an opportunity for the presenter to be “cross-examined” or to test the strength of a counter-proposal being put forward. There is an entirely separate consultation process later in the review for people to challenge each others’ counter-proposals.

#### On the day - Verbatim transcription service

47. An audio recording will be taken during the hearings, to allow a full verbatim transcript of all the oral submissions to be produced. Whilst there will not be any manual stenographers, there will be at least one person attending to the recording machine and manually recording names of presenters, questioners and places, start and finish times of presentations, etc. A copy of this transcript will be published on our web site at the beginning of the secondary consultation period, alongside the written representations received during the twelve week initial consultation period.

#### On the day - The media

48. We expect there to be a degree of media interest in hearings of this kind and we would welcome media presence at them, as it should help to raise local awareness of and – hopefully - participation in the consultation on the initial proposals for the region. However, the attendance of the media will require careful control.
49. We suggest that any requests you receive from the media for interviews before or after the hearing(s) should be declined and that the journalists are referred to the senior member of the Secretariat team present who will be happy to deal with their requests for information.

50. As far as filming is concerned, this will be a matter for you to decide upon at the time. We suggest that it may be appropriate for film crews only to film any opening address you give to the hearing, after which they should depart. This should provide them with the footage they require and it should assist those who are not familiar with speaking in public and who might be distracted or made uncomfortable in giving their presentation by filming in “open session”.

## Part 4 – Analysis and Report

[NB: This Chapter is currently in draft form only, as it will be subject to revision and/or clarification following the initial consultation period. A finalised version will be issued to Assistant Commissioners alongside the actual representations to be analysed and reported].

### Analysis of representations

51. Once you have received our initial proposals, the transcripts of oral evidence submitted during the Public Hearings, the written representations submitted during the twelve week initial consultation period, and the written representations submitted during the four week secondary consultation period, we look to you for recommendations, either to confirm our initial proposals or to revise them (in part or in full).
52. Please bear in mind that, at whatever stage of the consultation process a representation (written or oral) was made, it should be considered equally alongside any other representation. We stress this because there might be concern that a representation made orally before you is considered by some to carry greater weight than one made in writing during the initial or secondary consultation stages, or vice versa.
53. Our initial proposals are just that and they are not sacrosanct. However, in making your recommendations you must bear in mind:-
  - (a) the statutory criteria under which we must work, to which any alternatives to the initial proposals that you consider desirable must conform; and
  - (b) that, if the initial proposals are revised in any way, they will be published as our revised proposals, and written representations invited on them for a statutory eight week period. There are no further public hearings after the initial consultation period.

54. It is therefore essential that:-

- (a) you should consider not only our initial proposals, but any counter-proposals made in respect of them (and subsequent comment on or challenge to those counter-proposals), giving your reasons for recommending acceptance or rejection of them; and
- (b) you should ensure that any alternatives you recommend conform to the statutory provisions.

### **Region-wide report to Commission**

55. The Commission will require a single overall report to be submitted to it for each region of England, and will therefore designate one Assistant Commissioner as the 'lead' for each region. The Lead Assistant Commissioner will need to discuss with the Secretariat the extent to which he or she will require assistance in analysing the representations received for the region (once known) and writing the overall report for the region. The Commission has already secured the provisional appointment of three Assistant Commissioners for each region (including the one designated as Lead), so will have a certain amount of resource readily available. If the Lead Assistant Commissioner requires assistance in the analysis and report-writing work, it will be for them to determine the split of work with any other Assistant Commissioner they are allocated, but the Lead Assistant Commissioner will have ultimate responsibility for the timely delivery and quality of the complete finalised report.

56. The report should include a concise description of the points raised during the phases of consultation and a balanced but brief evaluation of the arguments on any issue where there is disagreement: whether they are to confirm our initial proposals or to recommend revising them. It is most important that your reasons and the justification for your recommendations, and the reasons for your rejection of alternative proposals, are clearly set out in your report.

57. Your report will subsequently be published alongside any revised proposals that we produce, and it is desirable that it should be as self-contained as possible. In order to facilitate the location of passages in your report, would you please ensure that you number both the pages and paragraphs.
58. A specimen report [possibly Greater Manchester] from our last review has been attached at **Annex 7**. We consider this a good model for the structure and level of detail to which a report to the Commission should go. However, please bear in mind that the review to which it relates was conducted before the changes made to the 1986 Act by the Parliamentary Voting System and Constituencies Act 2011.
59. We require that your report is submitted to us by no later than [deadline to be advised, but likely to be sometime in the summer or autumn of 2012].

## **Part 5 – Making Claims for Fees, Travel & Subsistence**

[Procedural arrangements and forms to be inserted by Secretariat Support Team. For Members' information, the rules that will apply to Assistant Commissioners in terms of the rates applicable and the claim procedure will be identical to those for normal Members].



## Annexes 1-5

[existing published material to be included]

## Annex 6 – Guidance to Chairs of Public Hearings

### Establishing a timetable

1. In establishing a timetable for a public hearing with the Public Hearings Co-ordinator in the Commission's Secretariat, you will wish to bear the following in mind:
2. As agreed with the political parties, a standard time-slot for a speaker should generally be 10 minutes, and this will be the starting assumption communicated to those registering a request to speak;
3. Factors that may cause you to wish to shorten – or even decline - a speaking slot will include points that are likely to be covered by another speaker, and very high demand for speaking slots;
4. Factors that may cause you to lengthen a speaking slot will include the presentation addressing a large area (by geography or number of electors), or the detail and complexity of the issues proposed to be raised. We have suggested 30 minutes for a main political party to give their view on the entire region at a lead hearing;
5. Whilst you will no doubt keep a tight rein on time, it may nevertheless still be advisable to build in some spare time to cater for some over-running in presentations (e.g. if there are lots of questions).
6. You will also need to build in some time for comfort breaks/refreshment, not least to ensure you are able to maintain concentration levels throughout the day. We suggest two 15-minute breaks each day: one late morning and one in the afternoon on Day 1 of a Lead Hearing and Day 2 of any hearing; and two

in the afternoon on Day 1 of a non-Lead Hearing. Each day should have a lunch break of at least 30 minutes.

7. You may also wish to allow individuals to make short-notice representations, i.e. if they only make their request less than 10 working days before the hearing – including on the day of a hearing itself. Granting such a request or not will be entirely a matter for your discretion, but we would encourage you to accommodate it as far as possible, given the need to ensure fairness to other speakers and the effective running of the hearing overall.

#### Setting the tone and staying in control

8. We recommend that you give a short introductory speech before the first substantive presentation from the Commission Secretariat on Day 1 of a hearing, which should summarise the ‘ground rules’ for how the hearing will work, in terms of timings for presentations, and the process for questioning of presenters. You may also wish to briefly introduce yourself and your role – particularly your independence in the process, as distinct from the representative role of the Commission Secretariat staff who will also be present.
9. You will need to maintain calm authority and sensitivity at the public hearing, both to assist the efficiency of the proceedings and to ensure that as many people as possible are facilitated to have their say in a reasoned manner. This may encompass: needing to control and calm down over-excited or aggressive presenters or members of the audience; redirect or bring to an end a presenter who is raising irrelevant considerations, or otherwise running over their allotted time; or giving appropriate support to a presenter who may be very hesitant or nervous speaking in public.
10. With particular regard to questioning, we would generally encourage you to allow questions from the floor, but suggest that these be put through you as Chair, rather than worded directly at an individual, as this can help to keep

tensions lowered, and can also allow you to screen out inappropriate questions, such as those that are inquisitorial or cross-examinatory in nature.

### Miscellaneous matters

11. You will need to make sure that you ask each presenter to state clearly their name and address before they speak substantively. This is for two reasons: firstly because the Commission's policy is not to accept anonymous representations on its proposals, and secondly for the benefit of the verbatim transcript. For the latter reason, you will also need to ask any questioner to state their name clearly for the transcript.

## **Annex 7 – Example Final Report**

[Example from Fifth Review to be included]

## **Annex 8 - Initial proposals report for the region**

## **Annex 9 – Summary of representations for region during initial consultation period**

## **Annex 10 – Summary of representations for region during secondary consultation period**