

## **PLANNING FOR THE REVISED PROPOSAL STAGE**

### Introduction

1. This paper outlines a number of provisional planning assumptions that have been made by the Secretariat when considering the next phase of the Commission's work, the preparation and publication of Revised Proposals.
2. The issues outlined below are not intended to be an exhaustive list of all the actions or decisions required by the Secretariat from the Commission before the publication of Revised Proposals. Rather, the focus is on those areas which are strategic, and which require a "policy steer" from Members. Members are invited to consider each of the following assumptions and confirm their agreement or otherwise, in order to allow the Secretariat to plan with certainty for the work ahead.

### Guidance to Assistant Commissioners (ACs) from the Commission during the process

3. The Secretariat will be working closely with the ACs during their work on producing recommendations for Revised Proposals. Our assumption is that in contrast interaction between the *Commission* and the ACs will be limited, and will be focused on strategic issues of policy and interpretation of the legislation, rather than the "lines on the map" themselves. Presentationally, if nothing else, the Commission will want to guard against any accusation that it has unduly steered the conclusions of the ACs in a way other than offering guidance on matters of principle.
4. As well as supporting the work of the ACs, the Secretariat will be keeping abreast of discussions within the Regional AC Teams, and discussing issues raised with the Commission as appropriate, in order to avoid reports being presented to the Commission for approval which contain mutually inconsistent arguments.
5. One area where the Commission might want to give a clear steer to the ACs at the outset of their work is a suggested format for their Revised Proposal Reports. A suggested outline is attached as Appendix A; comments from Members on this would be welcome.
6. **In summary, we recommend that Members agree that their interaction with the ACs during their work on recommendations for Revised Proposals should remain "light touch" and focused on strategic issues.**

## Written material accompanying the publication of the Revised Proposals

7. The Parliamentary Constituencies Act 1986 as amended (“the Act”) is relatively silent on what written material the Commission must publish in support of the Revised Proposals. In *A guide to the 2013 Review*, we say:

75. [...] [The Assistant Commissioners] write a report for the BCE on each region, summarising and considering the representations and recommending whether – and if so, how – the initial proposals for the region should be revised in the light of those representations. The BCE then considers each report and determines whether and to what extent revisions should be made to the initial proposals.

76. The BCE then publishes a notice in each region stating whether or not revisions have been made to the initial proposals for that region. [...]

8. **We recommend that the written material accompanying the publication of the Revised Proposals in each region comprise the following:**

- **the Report from the AC Team, in its entirety;**
- **if the Report is accepted in full by the Commission (though see below), a very brief covering note from the Commission simply to say that they have considered the report and accept its conclusions;**
- **“top and tailing” material, agreed by the Commission but drafted by the Secretariat, covering similar ground to Chapters 1, 2 and 4 in the Initial Proposals Reports (“What is the Boundary Commission for England?”, “Background to the 2013 Review” and “How to have your say”).**

## Consideration and agreement of AC Reports

9. As noted above in the extract from *A guide to the 2013 Review*, whilst the ACs will write reports on each region and make recommendations for revisions to the Initial Proposals, it is for the Commission to determine what changes to make as part of the Revised Proposals. The Secretariat has been considering how best to facilitate consideration of the AC Reports by the Commission.

10. Our proposal is for a number of days to be set aside for a Commission meeting to consider and agree the AC reports. The meeting – which may need to last as long as five working days – would be preceded by final drafts of the AC Reports being circulated in advance to Commissioners for their consideration. (Note: we would not expect for there to be any further analysis or commentary from the Secretariat at this stage: on the contrary, our hope is that the AC Reports should stand alone and present a comprehensive picture on their own.) Rather than being just a paper exercise, the meeting itself would comprise a series of nine regional meetings, during each of which the Regional AC Team in question would be invited to attend the meeting, say for up to half a day, to provide any further explanation to the Commission about the Report and, crucially, to allow the Commission to ask questions and test their understanding before agreeing (or not) the Reports and their conclusions.

11. Given the different nature of the nine regions and the challenges that they each face, it is quite possible that each of the nine Regional Reports will be ready in final draft form at different times. Whilst it would be possible for the Commission to consider each final draft Report as and when it emerges, we suggest that Members would be better able to assess consistency between Reports if they were presented over a period of a number of days rather than during a period stretching several weeks. Such an arrangement would also give greater clarity to AC Teams about expected timescales.

**12. In summary, we recommend that Members consider the AC Reports at a meeting with the relevant AC Team present in order to facilitate greater comprehension of the proposals. We also recommend that the AC Reports are considered in sequence in a short space of time, rather than “as and when” over a period of weeks.**

13. Members will also want to give early thought as to how to deal with any AC Reports that they are not able to agree. Our initial assumption is that Members, having rejected a Report (or, as is more likely, part of a report) on certain grounds, would instruct the Secretariat to prepare an alternative scheme for their approval to replace the rejected scheme (or part-scheme) for the region. This scheme would then be published as the Commission’s Revised Proposals, but the AC Report would still be published in full in order to aid the transparency of the decision-making process, and to make clear what decisions had been taken by the Commission over and above those recommendations made by the ACs. **We would welcome views on this assumption.**

#### Consultation on, and publicising of, constituencies that are not revised

14. The Act contains the following provisions relating to consultation on Revised Proposals (emphasis added):

s5(5) If after the end of the secondary consultation period the Commission are minded to revise their [Initial Proposals] so as to recommend different constituencies, they shall take such steps as they see fit to inform people *in each of those revised constituencies* (a) what the proposals are [...]

15. The Act does *not* therefore specify what the Commission should do in respect of any constituencies which it does not propose to revise from the Initial Proposals. This raises two questions of policy for the Commission: should the Commission publicise its proposals and place copies in places of deposit in constituencies which are not revised; and should the Commission allow (or at least explicitly invite) representations to be made during the final consultation period on those constituencies which are not revised?

16. On the first question of policy, in light of the regional approach that the Commission has adopted, we propose that the Commission publicise its proposals for a region across the whole of that region, irrespective of whether or not a particular place of deposit in that region is in a constituency which is being revised; to do otherwise might be seen as perverse and would not engender any great saving of effort or money. **Do you agree with this approach?**

17. The second question is potentially more finely balanced. By way of background, Members will want to note the practice adopted during the last General Review (albeit under a different legislative framework). Under that framework, the legislation stated:

s(5)(2) Where a Boundary Commission have provisionally determined to make recommendations affecting any constituency, they shall publish in at least one newspaper circulating in the constituency a notice stating [...] (b) that representations with respect to the proposed recommendations may be made to the Commission within one month after the publication of that notice [...]

s(5)(3) Where a Boundary Commission revise any proposed recommendations after publishing a notice of them under subsection (2) above, the Commission shall comply again with that subsection in relation to the revised recommendations, as if no earlier notice had been published.

18. Consequently, when the Commission published revised proposals for a county (or counties) that contained some proposals that were revised from the provisional recommendations and some that were not, the latter category were clearly marked in the Commission's publications as being "confirmed... as final recommendations".

19. A similar approach would certainly be permitted by the amended legislation, potentially supplemented by a stipulation that only new evidence of an exceptional or compelling nature would be taken into account in respect of such "locked down" constituencies. This would have the great advantage of providing clarity at a relatively early stage of the review process whilst allowing respondents to the final consultation period to target their attentions on those constituencies which had been revised.

20. However, there is the added complication for the 2013 Review that changes to any constituency have the potential to have a "knock-on" effect to other constituencies in the region. Before adopting the approach described above, the Commission will need to have considered whether and to what extent any such "ring-fencing" will limit the development of further options for constituency schemes that could be proposed during the final consultation period or by the Commission themselves when they come to devise their final scheme.

**21. Members are invited to consider the issues outlined above and indicate whether they would like to make the early assumption that those constituencies not revised during the Revised Proposal stage be "locked down" and presented as final in the Revised Proposal reports.**

#### Mapping accompanying the publication of the Revised Proposals

22. We will continue to work with Ordnance Survey to map the Revised Proposals. Our assumption is that our maps will be produced in the same manner, with no major stylistic changes from those produced for the Initial Proposals. We also expect to produce an A0 map for each region, and a book of A3 single constituency maps for each region. We recommend that the mapping does distinguish between what is a revised constituency – that is, one that differs from that as proposed in the Initial Proposals – and what is not, for example by using a different colour outline or number on the maps. **Are you content with these assumptions?**

## Timing

23. The Secretariat has made the following broad planning assumptions on timing for the future stages of the Review:

- the four-week secondary consultation period will take place during March 2012, allowing its conclusion before Easter (Good Friday in 2012 falls on 6 April);
- the ACs will be presented with their full “Evidence Packs” (containing the representations received during the initial and secondary consultation periods, including the transcripts of public hearings) no later than early May 2012;
- the meeting between the Commission and the ACs to consider the final drafts of Regional Reports will take place before the summer break, that is towards the end of July 2012;
- Revised Proposals will be published by the Commission in October 2012, after the Party Conference season. This will allow the eight week final consultation period to be completed by Christmas 2012, and work to begin on Final Recommendations in January 2013.

24. **Members are invited to note this suggested timeline.**

## **Assistant Commissioner's Report: suggested format**

Note 1: the Report will be published as part of a single document containing a number of additional chapters, common to all Reports and drafted by the Secretariat, including:

- What is the Boundary Commission for England?
- Background to the 2013 Review
- How to have your say

Note 2: the Report will also need to be accompanied by either a short cover note from the Commission to say that they agree with the Report, or a further chapter in which the Commission will outline which parts of the Report it has rejected (and why) and what alternative conclusions it has drawn.

### **Contents**

#### **Introduction**

Some common text introducing the Assistant Commissioners and describing how they went about their task. Include reference to public hearings held and number of representations received.

#### **Overview**

A preamble to discuss the major themes raised by the region (for example, particular problems associated with geography, or ward size; mention of areas which generated the most controversy or comment).

#### **Sub-Regional Approach**

A description of the sub-regional approach suggested by the Commission, and the main counter-proposals for sub-regional divisions. Conclusion as to which approach has been recommended by the Assistant Commissioners.

#### **Sub-Region X** [one section for each sub region]

Discussion of the different options presented for the constituent parts of this sub-region, broken down further by town / local authority etc. (depending on the sub-region). Conclusion as to what constituencies are recommended in each case.

#### **Naming and designation of constituencies**

Separate discussion of the options presented for the naming of constituencies, and conclusions.

#### **Conclusions and Recommendations**

Overall conclusions and final recommendations for revised constituencies, indicating which are the same as the Commission's initial proposals and which are revisions.