

## **BOUNDARY COMMISSION FOR ENGLAND**

Minutes of the meeting held in the 2nd floor meeting room, Cabinet Office, 35 Great Smith Street, London, SW1P 3BQ on Monday 19 December 2011 at 9.30am.

### **Present:-**

The Hon. Mr Justice Sales	Deputy Chairman
Mr D Elvin QC	Commissioner
Mr N Pringle	“
Mr S D James	Secretary
Mr R F Farrance	Secretariat
Mr A P Bellringer	“
Mr G Reed	“
Ms C Batterbee (for Paper 40)	“
Miss K Budge (for Paper 38)	“

The presence of the Assessors from Ordnance Survey and the Statistics Authority was not required at the meeting.

### **1. MINUTES OF THE MEETING HELD ON 19 SEPTEMBER 2011 (BCE/2011/Paper 37)**

- 1.1 The minutes of the previous meeting were approved by the Commission without amendment and signed by the Deputy Chairman.

### **2. PLANNING FOR THE REVISED PROPOSAL STAGE (BCE/2011/Paper 38)**

#### Introduction

- 2.1 The number of substantive written representation received had been in the order of 25,000, which was at the top end of what the Secretariat had anticipated. Of these almost half were pro-formas, but as many of them contained additional comments, it had been necessary to treat those extended pro-formas as individual representationa.
- 2.2 The Secretary outlined a number of provisional planning assumptions that had been made by the Secretariat regarding the next phase of the Commission's work, the preparation and publication of Revised Proposals.

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

- 2.3 The Secretary confirmed that the Secretariat will be working closely with the ACs during their work on producing recommendations for Revised Proposals. Members agreed with the balance that had been set out in the paper as it would not be possible for them to manage the work of ACs at a micro-level. They considered, therefore, that

the interaction between the Commission and the ACs should be “light touch” and limited, and will be focused on strategic issues of policy and interpretation of the legislation, rather than the “lines on the map” themselves.

- 2.4 The Secretariat will keep abreast of discussions within the Regional AC Teams, and discuss issues raised with the Commission as appropriate, in order to avoid reports being presented to the Commission for approval which contain mutually inconsistent arguments.
- 2.5 Members agreed to give a clear steer to the ACs on the structure of their reports at the outset of their work and were content with the suggested outline that was attached as Appendix A to the paper. They requested that an introductory passage be added to include a summary of the significance of the new legislation and how it will limit options.
- 2.6 The guidance would also need to be clear regarding the division of wards. Members confirmed that they would not be hostile to a recommendation to divide a ward, as long as there were compelling and exceptional circumstances, in line with the policy as set out in the *Guide*. It was considered that a recommendation to divide a ward might be more likely in an area where there had been subsequent ward boundary revisions by the Local Government Boundary Commission for England (LGBCE) although this might in itself create a precedent in other areas that have similarly undergone a rewording by the LGBCE, if ACs were considering dividing wards. Members decided that they would wish to see if there was an alternative, viable solution before contemplating the division of any wards.

#### Written material accompanying the publication of the Revised Proposals

- 2.7 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. The *Guide to the 2013 Review*, says:

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. [...]

- 2.8 Members decided that the written material accompanying the publication of the Revised Proposals in each region should comprise:
  - the Report from the AC Team, in its entirety;
  - if the Report is accepted in full by the Commission, a very brief covering note from the Commission to say that they have considered the report and accept its conclusions: if the report is not accepted by the Commission, a more detailed

explanation of why the report has been rejected – and what the Commission proposes instead - will need to be provided;

- “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

- 2.9 Whilst the ACs will write reports on each region and make recommendations for revisions to the Initial Proposals, it will be for the Commission to determine what changes to make as part of the Revised Proposals.
- 2.10 To facilitate consideration of the AC reports by the Commission, Members decided that a number of days 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 and was expected to be conducted during the week commencing 23 July 2012 – would comprise a series of nine regional meetings, during which each Regional AC Team would be invited to attend 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.
- 2.11 The meeting would be preceded by final drafts of the AC Reports being circulated in advance to Commissioners for their consideration. It was agreed that there should not be any further analysis or commentary from the Secretariat at this stage as it was hoped that the AC Reports would stand alone and present a comprehensive picture.
- 2.12 Given the different nature of the regions and the challenges that they each face, it was considered possible that each of the nine Regional Reports will be ready in final draft form at different times. It would be possible for the Commission to consider each final draft Report as and when it emerges, but it was decided that each be considered in sequence in a short space of time, rather than “as and when” over a period of weeks. This would also give greater clarity to AC Teams about expected timescales.
- 2.13 Members also gave early thought as to how to deal with any AC Reports that they are not able to agree. Their 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. This would make clear what elements of the AC Report had been amended by the Commission and enable the Commission to set out the reasoning for such amendments.

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

- 2.14 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 [...]

2.15 Members noted that the Act does not specify what the Commission should do in respect of any constituencies which it does not propose to revise from the Initial Proposals. They therefore considered whether their policy should be to publicise their proposals and make copies publicly available in places of deposit in constituencies which are not revised; and whether they should allow (or at least explicitly invite) representations to be made during the final consultation period on those constituencies which are not revised.

2.16 In light of the regional approach that the Commission has adopted, Members decided that the BCE should publicise its proposals for a region across the whole of that region, irrespective of whether or not a particular place of deposit is in a constituency which is being revised, as they considered that to do otherwise might be seen as perverse and would not engender any great saving of effort or money.

2.17 With regard to the second question, they noted 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.

2.18 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".

2.19 Members considered that, although a similar approach would be permitted by the amended legislation, changes to any constituency in this review had the potential to have a "knock-on" effect to other constituencies in the region. They decided it would not be appropriate to formally "lock down" any constituency for which no revisions were being proposed. Therefore, although they would allow representations on the constituencies that were not being revised, they would expect only to consider representations in such cases where the representations did not merely repeat representations received during the previous consultation periods and demonstrated significant benefits to the rest of the region.

- 2.20 Members agreed to consider the wording of their policy on representations received in respect of constituencies not being revised at a later stage.

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

- 2.21 The Commission will continue to work with Ordnance Survey to map the Revised Proposals. Maps will be produced in the same manner, with no major stylistic changes from those produced for the Initial Proposals. An A0 map for each region and a book of A3 single constituency maps for each region will also be produced. The mapping would distinguish between a revised constituency – that is, one that differs from that as proposed in the Initial Proposals – and those that are not, for example by using a different colour outline, a different colour wash, or number on the maps. The Secretariat confirmed that shape files would also be available for those who wished to use them.

#### Timing

- 2.22 Members noted and agreed 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 meetings between the Commission and the AC Teams to consider the final drafts of Regional Reports will take place during the week commencing 23 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 the Final Recommendations and Report in January 2013.
- 2.23 As a result of the large number of representations that had been received, it was acknowledged that the Secretariat would be under considerable pressure in physically processing and publishing all the representations. There would also be a large volume of work in preparing the representations and pro-formas for the ACs’ evidence packs.
- 2.24 Members noted that the Parliamentary Boundary Commissions in Scotland and Northern Ireland had decided to publish the representations received during the Initial Proposals consultation exercise only online, with only those specifically requesting a hard copy of the representations being provided with them (the Boundary Commission for Wales was taking a similar approach to BCE). However, they considered that, although not a requirement of the Act, it would be desirable - for reasons of accessibility and to be consistent with what had been stated in the “Guide to the 2013 Review” - to publish all the representations that had been received in hard copy and

make them available at places of deposit. Members did, however, decide that it would not be necessary to provide copies of the representations at all the places of deposit that had been used during the Initial Proposals, but that a copy should be made available at one place of deposit in each constituency, although extra places of deposit would be identified for geographically large constituencies or where there were issues of accessibility in a constituency. This would amount to about 530 places of deposit in total.

- 2.25 The Secretary confirmed that such an undertaking would be likely to increase financial pressures on this year's budget. [Subsequent to this meeting, with fuller information about the cost and delay associated with this exercise, the Commission decided that it would not be appropriate to provide hard copies of the representations, but that it should just publish them on the website; this was announced on 31 January 2012.
- 2.26 In light of the pressure that the Secretariat would be under and the extremely tight work programme, the Secretary said that there was a risk that it might prove not possible to carry out all the necessary tasks of processing the representations and having them copied by an external supplier, yet to be identified. If the deadline of early March for the commencement of the secondary consultation process could therefore not be achieved, this would mean that the secondary consultation stage would have to be delayed until after Easter i.e. late April. This would delay receipt of the reports from ACs until later in the summer, with the consequence that it would not be possible to publish revised proposals in October as planned: publication would then have to be delayed until early New Year 2013.

### **3. PROGRAMME UPDATE (BCE/2011/Paper 39)**

- 3.1 Members noted that the Project Plan, Risk Register and Highlight Report had been updated to take account of latest events. They highlight the commencement of the secondary consultation exercise before Easter and the associated risks. However, as noted previously, there is still scope in the overall timetable to accommodate some slippage in the stages of the review if this becomes unavoidable.
- 3.2 A big risk for the Commission was that the Central Office of Information (COI), which had been handling the Commission's contracts for the consultation website and communications and publications strategy, was being wound down and the Commission would have to undertake this work itself or source alternative delivery partners. The Secretariat was currently exploring alternative arrangements and it was hoped that any transition would be as smooth as possible. The Secretary informed members that it was possible that extra financial resources might be required.
- 3.3 The Secretary said that there had been some issues with the quality and consistency of the transcripts of the public hearings. These issues had been raised with Merrill Legal, the company providing the service, and addressed.

### **4. REVIEW OF COMMUNICATIONS AND MEDIA FOR THE INITIAL CONSULTATION PERIOD (BCE/2011/Paper 40)**

#### **Introduction**

- 4.1 The Secretariat had evaluated the communications and media activity that was implemented before and during the initial consultation period in Paper 40, which Members noted. The Secretary told Members that the Communications strategy had been a great success in getting the Commission's message across and in ensuring a good response to the consultation process. Around 1100 people had spoken at the public hearings and nearly 600 stories with regard to the Commission had appeared online.
- 4.2 The Secretariat had identified key learning points, which might be useful when planning future consultations and similar communications activity and the paper presented by the Secretariat will be supplemented in the New Year by more detailed post-consultation research.

### **Launch**

- 4.3 Members noted the arrangements that had been set up for the launch on 13 September 2011. The main components were advertising in the print media, the online strategy and the distribution to, and liaison with, MPs. The Secretariat had concluded that a large pack of information needs to be organised so that it is available in a format other than on the web and accompanied by shape and vector files. Both the print and broadcast media seemed to obey embargo instructions; several online publications/bloggers appeared not to.

### Key learning points and recommendations

- 4.4 It was considered that the most relevant lesson from the handling of the publication of the initial proposals relates to the use of an embargo, and the implications for the handling of the revised proposals. It was the view of Members that the media should continue be given time to prepare the story the day ahead of publication of its proposals: there was little that could be done to prevent breaches of the embargo, which they considered should still be used for future releases. It was not thought that it would be practical to brief MPs orally on the proposals but that they each should still be provided with their respective materials in advance of the release to the media. They therefore decided to adopt the same arrangements for next time.
- 4.5 Members asked the Secretariat to contact the political parties to seek their views about the embargo and its breaching and to check whether the political parties had any strong views that were contrary to the Commission's.

### **Hearings**

- 4.6 Members noted the summary and analysis of the public hearings that had been considered in paper 40. Members considered that the consultation process would have been weaker and less legitimate if there had not been public hearings and that they would feed back their views on the public hearings process in their final report that would be submitted to the Government.

## **Next Steps**

### Pre and post wave evaluation

- 4.7 Members noted that market research had been commissioned to evaluate both the broader political awareness and specifically, awareness of the BCE's review. The Secretariat would provide supplementary information to the Commission when it becomes available.
- 4.8 This research was not expected to produce concrete conclusions as to which channels and activities were the most effective, but it might be advantageous for future research activity to ask questions on 'how' people hear about the BCE and its activity. It should lead to a greater understanding of people's awareness of the BCE and wider political matters and it was hoped that the consultation will serve to play a part in how political matters are brought to and understood by the people they affect.

### Secondary consultation and beyond

- 4.9 A repeat of the press advert will be run to alert the public to the four week secondary consultation. A radio campaign will not be run, but the paid-for search optimisation facility to guide the public to the BCE consultation website will be maintained. The post-consultation research report, commissioned at the start of the campaign, should enable any future advertising campaign to be focused on where it will be most cost-effective.
- 4.10 Members noted that the COI had been commissioned to manage the advertising campaign for the initial proposals, but that its services will cease in March 2012. From April 2012 the BCE will be required to manage and procure the media buying and design of press and radio adverts necessary to run such a campaign itself.
- 4.11 The website will be used for the secondary consultation, where the public will be able to view and comment on all the written representations we received, as well as transcripts from the 36 public hearings.
- 4.12 The COI had also been managing the day to day project management of the web agency but as their services will cease, they are working with the Secretariat to arrange for the BCE to manage the contract with the web agency directly from January 2012. The website will again be a key part of the communication strategy for the Revised Proposals. Members considered that this was a further risk, as discussed previously under the Programme Update.

## **5. STATUTORY REPORT TO THE SPEAKER (BCE/2011/Paper 41)**

- 5.1 Section 3(2B) of the Parliamentary Constituencies Act 1986 (as amended) requires that:-

(2B) In relation to any report which a Boundary Commission are required by subsection (2) above to submit before a particular date but have not yet submitted (a "pending boundary report"), the Commission shall submit to the Speaker of the House of Commons-



(a) during the January that begins one year and nine months before that date, and

(b) during each subsequent January,

a report setting out what progress they have made with the preparation of the pending boundary report, with particular reference to the requirements in subsection (2) above.

5.2 The Commission, therefore, is required to submit the report to the Speaker before 31 January 2012. Section 3(2C) of the 1986 Act confirms that:-

(2C) On receiving a report under subsection (2B) above, the Speaker shall lay it before Parliament.

5.3 Members had considered a draft of the statutory report to be submitted to the Speaker prior to the meeting and the Secretariat had incorporated into the report the amendments requested by Members.

5.4 Prior to the draft report being sent to Members, the Secretary had liaised with the Secretaries of the other three UK Boundary Commissions about the submission of their reports. Whilst it was not considered necessary to co-ordinate the content of the four reports, it was thought prudent to informally discuss the content of each. It was understood that the other three reports will be very similar in content and length to this Commission's report, although there will be small differences to reflect local circumstances. All four reports should be submitted to the Chairman (the Speaker) on 24 January 2012.

5.5 Members signed the Report to be sent to the Speaker, subject to it being updated with the latest data.

## **6. REVIEW OF PUBLIC HEARINGS (BCE/2011/Paper 42)**

### **Introduction**

6.1 In accordance with the requirements of section 5(1)(b) of – and Schedule 2A to – the Parliamentary Constituencies Act 1986 (as amended), the BCE conducted 36 public hearings across the nine regions of England between 11 October and 18 November 2011.

6.2 Members considered Paper 42, which undertook an analysis of the delivery of the public hearings from a number of different perspectives, taking into account feedback received from political party representatives, members of the public and ACs, as well as the direct experience of Secretariat staff. The delivery of the hearings was felt to have been successful from an administrative point of view, with significant positive feedback being received, notably from ACs, all three main political parties, and the public. By contrast, there were very few complaints about the administration of the hearings from members of the public.

- 6.3 Members considered that the hearings had been a great success in light of what had been achieved at short notice and in a very short period of time and that the hearings had added considerable value to the consultation process

#### Planning and Preparation

- 6.4 In considering the issues with regard to the planning and preparation of the hearings, Members decided that:
- a) planning and preparation for public hearings – in particular taking key policy decisions as to number and location of hearings to allow venue bookings to begin - should commence ideally 12 months before the date of the first hearing;
  - b) the process of procuring a transcription service for the hearings should begin early enough to allow sufficient time for a thorough and detailed procurement process; and
  - c) an individual should continue to be recruited as a dedicated person co-ordinating hearings activity in the office throughout the hearings period.

#### Promoting awareness

- 6.5 In considering the issues, as identified in Paper 42, Members decided that:
- a) they should adopt similar no or low-cost promotional activity specific to public hearings, and consider (if budget and planning time is sufficient) additional targeted letters to local press editors, and (possibly) localised poster campaigns; and
  - b) increased clarity of the potential for a hearing to be closed early (possibly even after one day) should be included as part of any published hearing timings and that the Guide should be more specific about the potential for a hearing to be closed early if appropriate.

#### The booking system and timings

- 6.6 Members considered the structure of the hearings and the booking system at length. They concluded that:
- a) speakers, other than qualifying parties at a lead hearing, should be allocated in multiples to a defined time ‘window’, but not allocated in fixed order; for example, six speakers could be allocated to each hour, or speakers could possibly be allocated to a two hour window which could then overlap. They would be advised that they should expect to be called to speak ‘at some point within that window’. Members also considered on the evidence of the recent hearings that 15 minutes for each speaker was probably too long and decided that the time allowed to speak should be no more than ten minutes. This would allow for greater flexibility, whilst retaining a reasonably strong degree of clarity about when an individual will be speaking (although the balance between these

two factors would need to be assessed in determining the actual length of a 'window' to which people are allocated in the detailed final policy);

- b) the Secretariat should continue to request a synopsis from registered speakers;
- c) if the hearings were to continue to be two days in length, the first day should start at 10.00am and finish at about 5.00pm, with an hour-long slot later in the evening, probably 7.00pm – 8.00pm, to accommodate speakers unable to attend during the day on an exceptional basis.
- d) the facility to make a booking request via the website should remain, given the relative popularity of this facility, but a longer period should be allowed for proper defining, implementing and testing before the system goes live.

#### Locations and venue suitability

6.7 Members considered that:

- a) in order to reduce the resource commitment to public hearings in light of the generally low attendance, the length of some hearings could be limited to one day, rather than reducing the number of hearings, although Lead Hearings should continue to run for two days;
- b) locations should continue to be selected on the basis of accessibility within – and a reasonably even spread across - a region, rather than on a prediction of likely controversy in an area;
- c) although a mix of rural and urban venues would be ideal, a specific venue within an area should only be booked if it can be confirmed by personnel at the venue itself that there is reasonably good accessibility to it by public transport (preferably multiple types and routes); and
- d) there should be no general policy to select local authority venues over private sector conferencing venues, but individual venue booking should rely primarily on the specific site visit by the Public Hearing Co-ordinator to check fitness for purpose.

#### Lead Hearings

6.8 This concept had seemingly been a success and Members confirmed that the lead hearing approach should be maintained in the future.

#### Assistant Commissioners

6.9 Feedback on how effectively the ACs had chaired the hearings had generally been positive, as regards their independence (whilst remaining willing to consult and listen to advice from Secretariat staff), efficiency, courtesy, and seeking to put less confident individuals at their ease.

- 6.10 Informal feedback has highlighted a perception of an inconsistent approach to dealing with questions, with some ACs taking a relaxed interpretation of what was clarification and what was ‘cross-examination’ of a speaker, whilst others were quick to close down what they perceived as cross-examination, or discussion of other individuals’ counter-proposals. Additionally, it was noted that the requirement for all speakers and questioners to give their name and address was frequently not picked up on by the Chairs. Members accepted that there was always likely to be some degree of difference in delivery by different individual ACs, but considered that it is something that might need to be specifically looked at for the future.
- 6.11 Members asked the Secretariat to ensure that the induction training for future ACs contain a dedicated element for the lead ACs (and any others known to be expected to chair a hearing), on dealing with the need for consistency in the application of the guidelines relating to questioning of speakers and giving of names and addresses by speakers and questioners.

#### Staffing and administration

- 6.12 The Commission considered that the Secretariat support teams had run a very professional service throughout. They also agreed that:
- a) a standard staff team for a hearing (including a lead hearing) should be four, consisting of one senior manager (that may be the Secretary to the Commission), the relevant review team officer or manager for that region, and two admin support staff;
  - b) a standard system for ensuring associated documents are collected in from speakers should be developed by the Secretariat before the next public hearings, and communicated clearly to speakers both in advance of and during the hearing.

#### Transcriptions

- 6.13 Members noted that there had been some issues with the quality of the completed transcripts that were initially returned to the office. As the equipment used appeared to have been generally of a high technical standard, the issue would seem to lie with the quality, in part, of the staff doing the recording at the hearings, but more so those transcribing the recordings and quality assuring the transcripts.
- 6.14 Members decided that, in future:
- a) before each hearing commences, the on-site BCE staff should ensure the on-site transcribers have a copy of the proposals report and associated map booklet for the relevant region, and are clear of the need to interrupt if their equipment is not picking up what is being said by anyone in the hearing; and
  - b) the BCE Review Team Officer/Manager on-site should liaise directly with the on-site transcription recording staff, to ensure that place names particularly are accurately noted for the transcribers.

## **7. OTHER BUSINESS**

- 7.1 As no formal decisions were required of the Commission until the summer of 2012, it was considered that it should not be necessary to hold a meeting in the near future. However, it was decided that the next Commission meeting should be held after the completion of the secondary consultation period, probably in early-mid May, in order to take stock of progress after the conclusion of the secondary consultation period.