

<b>ELECTIONS COMMITTEE</b>			
Report Title	Parliamentary Boundary Review		
Key Decision	n/a		Item No.
Ward	n/a		
Contributors	Head of Law		
Class	Part 1	Date: 8 <sup>th</sup> September 2016	

### 1. **Summary**

This report sets out the detail of the review of parliamentary constituencies 2018 and informs the Committee of a submission made to the Boundary Commission for England.

### 2. **Purpose**

To inform members of the procedures for the review of parliamentary constituencies 2018.

### 3. **Recommendation**

That the Committee note this report

### 4 **Background**

- 4.1 The Parliamentary Voting Systems and Constituencies Act 2011 (the Act) made provision for a reduction in the number of UK parliamentary constituencies from 650 to 600. To implement this change in England, the Boundary Commission for England (the BCE) must complete a review of parliamentary constituencies by September 2018. The BCE began such a review in 2011 but it was discontinued. The BCE now intends to begin afresh in September 2016 to hit the statutory timetable. It published guidance on the process in July this year setting out how it will conduct the review. A copy is available on the BCE website.
- 4.2 The Act introduced a UK quota for the number of electors in any constituency. By the application of a formula, that quota is 74769. Schedule 2 of the Act states that every constituency must “at the review date” have an electorate of at least 95% and not more than 105% of that quota. This means that every constituency must have between 71031

and 78507 electors. The statute provides that the review date is 1/12/15.

- 4.3 The BCE will conduct its review on a regional basis, according to the EU regions. The number of constituencies in England will be 501. The Isle of Wight will have 2 of these leaving 499 for the rest of England. Currently in London (including the City) there are 73 MPs. After the review there will be 68.
- 4.4 The Act is clear that the electoral quota will take precedence but it allows the BCE to take into account a number of other factors in developing proposals. These are:-
- (a) Special geographical considerations – size, shape and accessibility of the constituency. This means physical factors such as mountains, hills, rivers, estuaries etc. It does not include human or social factors in this category.
  - (b) Local government boundaries – both external and internal ward boundaries. The Guidance is clear that wards are to be the “default building blocks” of new constituencies. However, the BCE acknowledges that ward boundaries may be crossed where there are compelling, exceptional circumstances which must be supported by strong evidence. The BCE will use groupings of two or more local authority areas in drawing up initial proposals. These sub regions will be explained when their initial proposals are published. The BCE intends not to cross the boundary of the sub-region where possible.
  - (c) Existing constituencies –The proposals will not be developed from a “blank piece of paper” though the BCE state that it may be necessary to depart from existing constituencies to bring new ones within the statutory range and to reduce the number of constituencies.
  - (d) Any local ties that would be broken by a change.
- 4.5 There are a number of factors which the BCE may not take into account. These are:-
- (a) The effect on future election results
  - (b) New local government boundaries put in place after 7<sup>th</sup> May 2015
  - (c) Changes (up or down) in electorate numbers since 1<sup>st</sup> December 2015
- 4.6 Though the review date is explicit in the Act, the BCE states at paragraph 40 of its Guidance as follows:-

*“However, the BCE does not take the view that it is obliged to shut its eyes entirely to growth (or decline) that has occurred since the review*

*date, which it may be aware of from the annual updates of electorate figures it receives, or that it is satisfied is likely to occur. Such a factor may be taken into account in choosing between two or more competing options for the same area that satisfy the statutory rules”*

- 4.7 The procedure for the review entails a number of stages:-
- (a) In the week commencing 12/9/16 the BCE will publish initial proposals on its website and put them on deposit with Councils and in other places where the public can view them.
  - (b) There is an initial consultation period of 12 weeks for representations to be made. The BCE encourages written representations and states that any objections will be considered to have more weight if they are accompanied by a viable alternative proposal. The last date for written representations will be published with the initial proposals.
  - (c) During the 12 week initial consultation a number of public hearings will be held. They are not public inquiries which have been abolished. Nor are they debates or public meetings. Rather they are short hearings lasting no more than 2 days each at which, the Guidance states, the BCE will explain the initial proposals and people may give their views. There will be 5 hearings in the London area between mid October and mid November, (dates to be confirmed) and those wishing to speak are advised to apply to do so in advance as timings will be strictly limited. The hearings will not focus to any degree on counter proposals. At the first hearing in each of the areas, the five political parties with parliamentary seats will be invited to make representations for the whole region.
  - (d) As soon as possible after the 12 week initial consultation period, the BCE will publish all representations made including the record of the public hearings. There then follows a period of 4 weeks during which people may submit written comments on the representations received in the initial consultation period. There are no hearings at this stage.
  - (e) The BCE staff and Assistant Commissioner then produce a joint report for the Commissioners who decide whether any and if so what revisions ought to be made to the initial proposals. The Commissioners then publish a report saying whether revisions have been made or not.
  - (f) If revisions have been made, there follows a further period of 8 weeks during which representations may be made on the revised proposals. There are no hearings and no repetition of the 4 week period.

- (g) The final report and any representations made in that 8 week period are published and a formal written report for the whole of England is submitted to the Government. It describes the review, sets out the recommendations and includes maps of the new constituencies.
- (h) The Government must lay the report before Parliament. It has no discretion to change it. It lays a draft Order giving effect to the recommendations. The draft Order must be approved (or rejected) by both Houses of Parliament. Once the Order has effect, it cannot be challenged and the new constituencies apply at the next General Election – scheduled for 2020.

## 5. Implications for Lewisham

- 5.1 The implications for representation of local residents in Lewisham in Parliament could well be severely hampered by a rigid approach to the use of electorate figures as at 1/12/15. The electorate figures for each of the Lewisham parliamentary constituencies are set out in Table 1 below

	1/12/15	1/1/16	1/2/16	1/3/16	1/4/16	1/5/16	1/6/16	1/7/16
Deptford	67,168	67,761	66,420	67,007	67,367	68,740	70,762	74,352
Lew East	62,368	62,743	62,191	62,665	62,904	63,666	64,487	66,673
Lew W & Penge*	37,692	37,967	37,585	37,874	38,046	38,603	39,175	40,492

\*excludes 3 wards in Bromley which had 4.17% increase over same period from 29,992 to 31245 bringing totals in Lewisham West and Penge in December 2015 to 67654 and in July 2016 to 71737

- 5.2 Table 1 above demonstrates an increase of 8.54% between 1<sup>st</sup> December 2015 and 1<sup>st</sup> July 2016. This might be explained largely by the influx of registrations in response to the campaigns to register in anticipation of the EU referendum and the GLA elections in June and May respectively this year. A comparison of Office of National Statistics Data on 1<sup>st</sup> December 2015 electoral register and electorate figures for 23<sup>rd</sup> June 2016 EU Referendum show that the greatest increase in London in the numbers on the electoral register was in Lewisham.
- 5.3 There have also been significant developments across the borough, with more proposed. The latest planning projections for 2015/16 show that an estimated 2,295 properties have come on to the register in the borough since 1<sup>st</sup> March 2015. Ref:  
<http://www.lewisham.gov.uk/myservices/planning/policy/LDF/Documents/Annual%20monitoring%20report%202014%e2%80%9315.pdf>

- 5.4 It is also acknowledged that the move to Individual Electoral Registration with an early cut-off date of 1<sup>st</sup> December 2015 led to much voter confusion and a fall in response rates at the December publication of the electoral register. The EC recognises that there are particularly high rates of underrepresentation among social tenants, black and ethnic minority communities and young people. On all of these social categories Lewisham scores highly as set out in more detail in Appendix 1.
- 5.5 For these reasons, it would appear that the use of the December 2015 register as baseline data for the allocation of parliamentary seats would grossly underestimate the electorate in Lewisham and mean that they are significantly underrepresented at a national level. Officers therefore made a submission to the BCE urging them to take account of these factors when deciding between different options for the Lewisham area, as is envisaged in paragraph 40 of the BCE guidance, a copy of which appears at Appendix 1. Given that the BCE will be making its proposals in September 2016, it was not possible to wait until the scheduled meeting of this committee before making the submission if it was to have any impact on the BCE's assessment of alternatives in the formulation of proposals.

## **6. Legal implications**

These are set out in the body of the report.

## **7. Equalities implications**

- 7.1 The Equality Act 2010 (the Act) introduced the new public sector equality duty (the equality duty or the duty). It covers the following nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
- 7.2 In summary, the Council must, in the exercise of its functions, have due regard to the need to:
- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - advance equality of opportunity between people who share a protected characteristic and those who do not.
  - foster good relations between people who share a protected characteristic and those who do not.
- 7.3 The duty continues to be a “have regard duty”, and the weight to be attached to it is a matter for the Council, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to

eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

7.4 The Equality and Human Rights Commission issued Technical Guidance on the Public Sector Equality Duty and statutory guidance entitled “Equality Act 2010 Services, Public Functions & Associations Statutory Code of Practice”. The Council must have regard to the statutory code in so far as it relates to the duty and attention is drawn to Chapter 11 which deals particularly with the equality duty. The Technical Guidance also covers what public authorities should do to meet the duty. This includes steps that are legally required, as well as recommended actions. The guidance does not have statutory force but nonetheless regard should be had to it. The statutory code and the technical guidance can be found at: <http://www.equalityhumanrights.com/legal-and-policy/equality-act/equality-act-codes-of-practice-and-technical-guidance/>

7.5 The Equality and Human Rights Commission (EHRC) has previously issued five guides for public authorities in England giving advice on the equality duty:

1. The essential guide to the public sector equality duty
2. Meeting the equality duty in policy and decision-making
3. Engagement and the equality duty
4. Equality objectives and the equality duty
5. Equality information and the equality duty

7.6 The essential guide provides an overview of the equality duty requirements including the general equality duty, the specific duties and who they apply to. It covers what public authorities should do to meet the duty including steps that are legally required, as well as recommended actions. The other four documents provide more detailed guidance on key areas and advice on good practice. Further information and resources are available at: <http://www.equalityhumanrights.com/advice-and-guidance/public-sector-equality-duty/guidance-on-the-equality-duty/>

## 8. **Financial implications**

There are no specific financial implications.

## 9. **Crime and disorder implications**

There are no crime and disorder implications arising.

## 10. **Environmental implications**

There are no environmental implications arising.

11. **Background documents and originator**

Kath Nicholson 020 8314 7648