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# The Parliamentary Boundary Commissions: Rules, Interpretations and Politics

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THE outcome of elections in Great Britain depends not simply on how many votes are cast for each party but on how those votes are translated into parliamentary seats. In all democracies, a premium value is put upon each vote being of equal value. In countries with plurality voting systems based on territorially-defined units, the only way in which this goal can be met is by creating constituencies each with an equal number of electors. The job of the four Parliamentary Boundary Commissions for England, Wales, Scotland and Northern Ireland is to pursue that end 'as far as is practicable' and within the constraints of their statutory guidance<sup>1</sup>. The Commissions are chaired by the Speaker, although the effective control rests with the deputy chairman, a High Court judge. In addition, there are two other members, who are usually also lawyers, and two 'expert' assessors—the Director-General of the Ordnance Survey and the Registrar General. The Commissions are staffed by civil servants. The independence and political impartiality with which the Commissions have done their work has rarely been disputed. However, questions have been raised about the rules under which they work and their interpretation of them.

In this article we shall present an overview of the history of parliamentary constituency redistributions, paying particular attention to the third and fourth (current) periodical reviews. Reactions to the Commissioners' proposals and method will be outlined, together with suggestions made for reform of the procedure. Finally, we shall discuss the electoral consequences of parliamentary boundary changes. The Commissions do not consider the effects of their recommendations on present or future voting patterns. Political parties and other interested groups are not allowed to argue for or against such recommendations on the grounds of perceived partisan advantage or disadvantage. The political impact of boundary changes is, however, of paramount concern and can significantly affect the election-winning prospects of all parties.

## *The earlier reviews*

Until the second world war parliamentary boundary changes were carried out by Act of Parliament and tended to be prompted by extensions of the franchise. Each new redistribution brought with it an ad hoc increase in the formality of the procedures, with a Speaker's

Conference in 1917 drawing up the first set of general rules for issue to the Boundary Commissioners. The period between 1918 and 1947 saw no further boundary alterations, but it was characterised by an increasing disparity in constituency electorates (by 1939, 30 constituencies had more than 100,000 electors and 13 fewer than 30,000) and a further acceptance that the periodic review of constituency boundaries should become a fixed part of the political agenda. In 1942, the Report of the Committee on Electoral Machinery recommended the establishment of permanent boundary commissions to review constituencies once in the lifetime of each Parliament, and the 1944 Speaker's Conference drew up more detailed rules for how the Commissioners would calculate and apply an electoral quota and the circumstances under which discretion might be allowed. These proposals were incorporated into the House of Commons (Redistribution of Seats) Act 1944 and some of the largest constituencies were sub-divided in time for the May 1945 general election.

Following the end of the war and the compilation of new registers, the Boundary Commissions set to work, reporting in 1947. According to one source, the 'redistribution seems to have been fairly painless', though David Butler notes that the then Labour government asked the Commissioners to create 17 additional seats, drawing protests from the Conservatives<sup>2</sup>. Legislation enacting these proposals and some amendments to the rules—including a requirement for general reviews to be undertaken at intervals of not less than three and not more than seven years—was consolidated in the House of Commons (Redistribution of Seats) Act 1949.

### *The work of the Boundary Commission for England*

	Work commenced	Report published	Act/Order passes
Initial report	Jan 1946	Oct 1947	July 1948
1st periodic review	July 1953	Nov 1954	Jan/Feb 1955
2nd periodic review	Feb 1965	Apr 1969	Nov 1970
3rd periodic review	Feb 1976	Feb 1983	March 1983
4th periodic review	Feb 1991	(1994)	

In order to meet the requirement for a further review within three to seven years, the Commissions set to work again in 1953. On this occasion, their work caused considerable controversy, culminating in two unsuccessful attempts to persuade the courts to prevent the Home Secretary from presenting draft Orders in Council giving effect to the Commissioners' recommendations. Many reports were considered to be too brief and without adequate explanation and the Commissioners were felt to be working without clear guidance on how far they should adhere to or depart from the 'rules'. Moreover, the redistribution came too smartly on the heels of its predecessor. As David Butler puts it in his definitive work on the British electoral system.<sup>2</sup> There were few

gross anomalies, but the rigorous pursuit of mathematical equality meant that, after only 5 years, 170 constituencies had their boundaries altered, often drastically<sup>3</sup>. Following such criticism, and although the Orders were made effective in time for the May 1955 general election, inter-party consultations led to a new House of Commons (Redistribution of Seats) Act 1958. The routine interval between reviews was changed to between 10 and 15 years; the electoral quota was to be calculated separately for each of the four parts of the United Kingdom; it would be required that a High Court judge be the deputy chair of each Commission and that a local inquiry be held if the Commission's original proposals were objected to by a local authority or at least 100 electors.

The second periodical review of boundaries ran from 1965 to 1969. On this occasion, the procedures were not in dispute<sup>4</sup>, but controversy surrounded the Labour government's decision not to implement the Commissions' proposals. Ostensibly, the government wished to delay implementation pending the reorganisation of local government and instead introduced a limited bill to alter boundaries in Greater London and in a few very large constituencies. This measure was blocked in the House of Lords and James Callaghan, as Home Secretary, then presented to Parliament the necessary Orders to give effect to the Boundary Commission recommendations, only to use the government majority to defeat them. The 1970 general election was therefore fought on unchanged boundaries, with the Conservative party promising in its manifesto rapidly to put in place the Commissions' proposals. This was done in November 1970.

The third review of boundaries began in 1976 and was obliged to take account of new local government units formed by the Local Government Acts of 1972 and 1973. Indeed, two general elections, those in October 1974 and May 1979, took place with constituencies located in local government areas which no longer existed. For example, the Stockport constituencies were still deemed to be in Cheshire despite being located in the new County of Greater Manchester, and Bath and Bristol were now in a new County of Avon rather than in Somerset and Gloucestershire respectively. The instruction to the Commissions not to allow constituencies to cross county boundaries 'so far as is practicable' and the need to use the wards of the new district councils as the building blocks for the new parliamentary constituencies made large scale change inevitable.

The Commissions were delayed in their work first by awaiting the deliberations of the separate Local Government Boundary Commissions, and then by two pieces of litigation. In the first, three local authorities in the County of Tyne and Wear challenged the English Commission's recommendation to reduce the number of Members of Parliament in the county from 14 to 13. Their application was dismissed in December 1992. The second case involved four prominent members

of the Labour Party, including the leader Michael Foot and the party's general secretary Jim Mortimer, acting as individual electors. They challenged the English Commission's failure to use its discretion to cross county and London borough boundaries where to do so would lead to a reduction in the disparity in size between constituencies. They also disputed the time taken by the Commissions to come up with their proposals, in particular the fact that constituencies based on 1976 electorates would by that time be seriously out of date. Their application was dismissed by both the High Court and the Court of Appeals and they were refused leave to appeal to the House of Lords. The legal process having been exhausted, the Orders were placed before Parliament and passed in time for the new constituencies to be adopted at the June 1983 general election.

The failure of litigation did not quell the criticisms of the third periodical review, and indeed the Court rulings had served to emphasise the considerable freedom available to the Commissions in determining when and when not to use their discretion. The Court of Appeals' opinion stated: 'It is important to realise that Parliament did not tell the Boundary Commission to do an exercise in accountancy . . . It told it to engage in a more far-reaching and sophisticated undertaking, involving striking a balance between many factors which point in different directions. This calls for judgement, not scientific precision.'<sup>5</sup> In particular, the Court seemed to indicate 'that the Commission should be more prepared to consider, and more open to challenge on, issues of disruption due to change and to the breaking of local ties than disparities around the electoral quota'.<sup>6</sup>

Despite this judgement, concern was expressed not so much at the Commissions' use of their discretion as at the seeming inconsistency of their interpretations. Quite frequently, when presented with similar problems, different recommendations were made in different counties.<sup>7</sup> This was especially the case following public inquiries. Such inquiries, chaired by various Assistant Commissioners appointed on an ad hoc basis, tended to err on the side of recommending no disturbance to the status quo rather than pursuing an arithmetical equality of electorates.

Many of these issues were given further attention by the enquiry of the Home Affairs Committee into the redistribution of seats during the 1986/87 parliamentary session. The Committee took evidence from, inter alia, the English, Scottish and Welsh Boundary Commissions; from the Home Office and the Scottish Home and Health Department; and from Merlyn Rees MP, a former Labour Home Secretary. Its agenda was dominated by a concern to curtail the seeming inexorable increase in the number of constituencies (and thus Members of Parliament) which followed each boundary review. The committee argued: 'Since the Rules for the Redistribution were formulated in 1949 a fundamental defect has come to light. Rule 1 provides a total number of seats for

Great Britain (613) which should not be substantially exceeded. Rule 8 provides that the electoral quota (i.e. the target size for the electorate of each constituency) should be determined by dividing the electorate of each region in the United Kingdom by the number of constituencies in existence there at the start of each general review. Rule 6 allows for constituencies in sparsely populated parts of the Kingdom to have smaller electorates than the quota, and Rule 5 also provides circumstances in which quota entitlements to seats may be exceeded. Whenever extra seats are awarded under these Rules the number of constituencies will exceed the previous number. Those higher numbers will in turn be used for determining the electoral quota next time. The result is a progressive and cumulative increase in the number of seats in the House of Commons. The total for Great Britain is now 633. We do not believe this to be an intended consequence of the Rules, and we regard the continuation of this tendency as being undesirable.<sup>18</sup>

It was further noted that the Commissions had a tendency to round an area's theoretical entitlement up rather than down where this would produce seats whose average electorate was closer to the national quota. For example, with a quota of 60,000 and an electorate of 327,000, a county would be entitled to 5.46 seats. With 5 seats, the average constituency would have 65,520 electors and deviate from the quota by 5,520. With 6 seats, the average constituency would have 54,600 electors and deviate from the quota by 5,400. In such cases it had been the Commissions' practice to award 6 rather than 5 seats. Such thinking led the Committee to recommend the adoption of a permanently fixed divisor to cap future growth of the House of Commons.

The Committee was also conscious of the different levels of representation in the different parts of the United Kingdom. It noted that the electoral quotas in 1985 were 68,700 for England; 55,100 for Scotland; 56,400 for Wales; and 63,400 for Northern Ireland. However, although the committee demonstrated that it would technically be quite easy to achieve a uniform UK quota, it accepted that 'it would not be feasible on political grounds' to change the rules to provide such uniformity and made no recommendation. Similarly, it considered the issue of the interval between boundary reviews, but again made no recommendation. Two administrative changes in procedure were proposed and accepted by the government. The government also expressed itself sympathetic to stabilising the composition of the House of Commons, but rejected the method proposed.

### *The current review and interpretation of the rules:*

Although the Parliamentary Constituencies Act 1986 was enacted to consolidate previous legislation on the redistribution of seats, no legislative slot was found to incorporate even those aspects of the Home Affairs Committee report which the government had accepted in principle before the fourth periodical review was announced in February

1991<sup>9</sup>. However, it became clear that the Boundary Commissions had taken note of previous criticisms of their work with the unprecedented publication by the English Commission of a booklet explaining its work and how it set about interpreting the rules<sup>10</sup>. The remainder of this section concentrates on the work of the English Commission in the current review.

Quite the most significant part of the booklet puts the Commission's view that 'in order to give effect to rule 1, it would be proper for them in the exercise of the discretion given to them in rules 5, 6 and 7 to limit any further increase in the number of seats'. It also notes that the discretion to cross county and London borough boundaries does exist and 'might be exercised if the interplay of the rules, including the limit on the number of seats in rule 1, so required'. Similarly, the Commission expressed the view that 'the "special geographical considerations" justifying departure from rules 4 and 5 occur mainly in Scotland and Wales and seldom in England'.

The Commission gave a clear indication of how it would be approaching its work in other respects as well. It emphasised that the electoral quotas and subsequent proposals are based on the number of electors on the electoral registers at the start of the review and that any claims about under-registration leading to an increase in the number of seats to which an area was entitled could not, therefore, be entertained<sup>11</sup>. However, evidence of population growth, either since the initial enumeration date or resulting from clearly planned development, can be taken into account in choosing between different schemes for the allocation of the same number of seats to a given area.

The identification of 'local ties' as specified in rule 7 has also been an area of controversy. The Commission is clear that district wards are the smallest unit in the process of 'building' a constituency and that proposals for splitting wards between constituencies would be considered a *prima facie* case of breaking localities. However, local ties are claimed in other instances too and the Commission's evidence to the Home Affairs Committee gave an insight into how such claims were assessed. It commented, 'The Commissions must rely heavily on the advice given by Assistant Commissioners following their investigations into local ties . . . Many of the political arguments are put to us cloaked in arguments about local ties. We must rely on the Assistant Commissioners to sift through the conflicting information often presented and to guide us accordingly. It is of course inevitable that those who have not succeeded in persuading the Assistant Commissioner of the validity of their arguments on local ties should thereafter loudly affirm that justice has not been done'.<sup>12</sup>

The Commission's booklet ends with what might be termed a trenchant defence of inconsistency. The rules, it says, are 'interrelated in a complex way and obviously designed to allow the Commission a very wide discretion in their application . . . there is . . . usually no one



perfect way to distribute constituencies . . . In practice, in one area the Commission may feel able to allow the requirement of rule 5, for electorates to be as near the electoral quota as practicable, to be given effect whereas, in another area, other factors such as the requirement of rule 4, to respect county and London borough boundaries, or the existence of strong local ties, may prevent this. Elsewhere a compromise solution may be found. These subjective decisions are difficult, but the Commission reaches its independent and impartial conclusions on the basis of all the information available to it.' It urged interested individuals and groups which supported its recommendations to pay as much attention as those which opposed them to making it aware of their views.

It was against such a background of no legislative change, but a clear determination to limit any increase in the number of seats and to assert the Commissioners' discretion, that the English Boundary Commission began work. However, before any final recommendations had been made and in the wake of the Conservative general election victory in April 1992, it found itself working to a new and tighter timetable. The Boundary Commissions Act 1992 revised the interval between the general reviews of boundaries from not less than 10 or more than 15 years to not less than 8 or more than 12 years from the submission date of the last report. In particular, however, it placed a requirement on all four Boundary Commissions to submit their report to the relevant Secretary of State no later than 31 December 1994—a deadline some three years in advance of the date the Commission had been working to.

### *The Boundary Commission at work*

The easiest way to illustrate the procedures of the Boundary Commission and the type of choices with which it is confronted is to trace its deliberations in a particular case. Here we use the example of Hampshire. Before the Commission could begin its consideration of Hampshire, or any other area, it first had to calculate the electoral quota for England as a whole. This was done by dividing the number of electors on the register in England on the day the review began, in February 1991, by the number of constituencies currently allocated to England. The figure obtained was 69,281 (i.e. 36,302,984/524). In the case of Hampshire, dividing the county's electorate by the quota gave a theoretical seat allocation of 17.19. The Commission rounded this down to 17 and produced provisional proposals to that effect in February 1992<sup>13</sup>. Final recommendations, following consultation and inquiry, were published in January 1994.

The initial proposals had been drawn up, to use one observer's phrase, 'in the office'<sup>14</sup>. The Commission noted that Hampshire was entitled to two extra seats compared with the previous distribution and that some major changes were inevitable. No changes were proposed

for 4 of the existing 15 constituencies, but elsewhere several of the new constituencies bore little resemblance to those on which they were based. As required by statute, the Commission published its proposals in local newspapers and circulated them to interested groups; provided for the public to inspect them at a range of locations within the county; and called for written representations in support or opposition within one month. Many of these representations related to the imminent wholesale change of ward boundaries within Basingstoke and Deane Borough council and, rather unusually, the Commission was asked, and agreed to produce a revised set of provisional arrangements based on the new ward structure. Once again, its proposals were published and inspected and representations invited.

Objections to either or both these sets of proposals were received from some local authorities and from other groups and individuals. The Commission was therefore obliged to hold a public inquiry before proceeding to its final recommendations. The inquiry took place in Winchester in September 1992 and was presided over by an Assistant Commissioner—a barrister (and in this case Queens Counsel) appointed ad hoc to listen to representations, assess the evidence and make a report to the Commission. At the inquiry, a full list of representations made about the proposals is made publicly available and the Assistant Commissioner's opening statement summarises the recommendations, gives an insight into the Commission's reasons for coming up with that particular allocation and outlines the major issues which have given rise to objections.

In the case of Hampshire, the Commission argued that it had kept all but one constituency, Portsmouth South, within 9% of both the electoral quota and the county average. It had also attempted to minimise the fragmentation of local government districts between constituencies and had created 8 seats wholly contained within one district. Objections came particularly from those local authorities which had been divided among different constituencies and from individuals who in a private or political capacity opposed the transfer of various wards. The Southern region of the Labour Party submitted county-wide counter-proposals.

Under the rules governing public inquiries, having listened to the representations made and the evidence presented in support, and having received a verbatim transcript of the inquiry, the Assistant Commissioner then submits a report to the Boundary Commission. The Commission can then issue revised recommendations if it feels that the Assistant Commissioner's report warrants them. In the case of Hampshire it did so for 9 of the 17 constituencies, including some cases where the provisional recommendations had suggested no alteration to existing constituencies. It argued that the amendments would 'create constituencies that have a greater adherence to local ties and district boundaries'. The publication and opportunities for representation were the same as



for the provisional recommendations, but the Commission is not obliged to hold an inquiry about revised proposals.

Following the consultation period, and having considered new representations, the Commission proposed making final its recommendations for 14 of the 17 Hampshire constituencies. It acknowledged that 'although there was a good deal of support for the revised recommendations, the majority of representations objected to them' and noted the type of objections made, but presented reasons why it had decided to support no further changes. However, in the case of 3 constituencies it took the unusual step of setting up a further public inquiry on the grounds that the issues raised had been a product of the revised recommendations only and had not therefore been 'fully debated' at the original inquiry. The new inquiry would deal only with specific matters relating to the alignment of the boundaries of those constituencies. The inquiry, held almost exactly a year after the original one, in September 1993 before a different Assistant Commissioner, led to no further amendments being proposed. The Commission published its final recommendations in January 1994, reaffirming that the City of Southampton had too many electors to be divided into two whole constituencies and acknowledging that the issue of which ward to transfer to a non-city constituency had been contentious. It recognised that the choice to be made was 'between two intrinsically unsatisfactory results' but decided to retain within Southampton the ward which 'is the more likely to be most adversely affected by breaking local ties'. Moreover, it took the opportunity to restate its opposition in principle to proposals which would involve the splitting of wards. Wards 'are legally defined . . . are generally indicative of areas which have a community of interest' and to split them would 'create difficulties for electoral administrators' and 'inconveniences' for local party political organisations.

The Commission receives no further representations following the publication of final recommendations for a county, but it does reserve the right to modify these recommendations, and invite further comment, in trying to ensure at the end of the review process that there has been 'fair and consistent consideration of one area compared with another'. When it is finally satisfied with its proposals, the Commission submits its report on the general review to the Home Secretary, which on this occasion must be before 31st December 1994. It is the Home Secretary's duty to lay the Commission's report before Parliament together with a draft Order in Council giving effect to the recommendations with or without modifications. The draft Order is submitted to both Houses of Parliament for approval and, after it is made, the new constituencies take effect at the next general election.

### *General issues*

The case of Hampshire provides some specific instances of how the Boundary Commission approaches the application of the general rules.

The decision not to cross county boundaries (rule 4 (a) (i)) was uncontentious and inevitable once the related decision to allocate the Isle of Wight a single whole constituency had been made. That decision effectively absolved it of the need in Hampshire to 'avoid an excessive disparity . . . between the electorate of any constituency and that of neighbouring constituencies in the part of the United Kingdom with which it is concerned' (rule 5). Its much simpler obligation was to ensure that 'the electorate of any constituency shall be as near the electoral quota as is practicable' (rule 5). Indeed, its various proposals each made a virtue of the fact that only one constituency deviated by more than 9% either from the national quota or the county average. Departures from rules 4 and 5 by virtue of 'special geographical considerations' (rule 6) were not relevant in Hampshire, but the 'inconveniences attendant on alterations of constituencies' and the need to retain 'local ties' (rule 7) provided scope both for local objection and counter proposal and for the Commission to use its discretion. In the end, most of the departures from its initial proposals were justified on exactly those grounds.

Elsewhere, however, the Commission has had rather more difficult decisions to make. It appears to have taken full advantage of the scope given it by the 1983 Court of Appeals judgement not to be obsessively concerned with the pursuit of electoral equality, and to give greater weight to minimising disruption and the breaking of local ties. In addition, as outlined in its explanatory booklet, it has tended to err on the side of making recommendations which have the by-product of limiting any further increase in the number of seats. Examples of its approach in action can be found by looking in more detail at the issues of (i) electoral equality and the breaking of rule 4; (ii) the preservation of local ties; and (iii) minimising change.

The need to construct constituencies as close 'as practicable' to the national electoral quota, whilst at the same time paying attention to rule 4 by not crossing county or London borough boundaries, has caused the Boundary Commission headaches at each successive review. Because it is rare for a county's entitlement to be very close to a whole integer, the Commission have to make judgements whether to round up or round down any given allocation. The basis for doing this has been the subject of some criticism<sup>15</sup>. One consequence of the necessary rounding is that the size of individual constituencies tends to deviate more from the national average than from the intra-county average. Comparing the original recommendations of the third English review with those of the fourth review shows this to be the case. In both reviews the mean deviation in constituency size from the local average is some 1.5% less than it is from the national quota. The same analysis also provides *prima facie* evidence that the current review 'has placed very considerable importance on the need to recommend equal-sized electorates', with each initially proposed constituency 1.5 percentage

points closer to both the national quota and the local mean electorate than was the case in the third review'.<sup>16</sup>

### *Deviations from average constituency size*

#### *Original recommendations: all counties and boroughs*

	National mean	Standard deviation	Local mean	Standard deviation
Third Review	6.75	5.19	5.06	3.96
Fourth Review	5.24	4.25	3.62	3.08

#### *Original and revised recommendations: 13 shire counties, Fourth Review*

Original	4.88	3.54	3.35	2.61
Revised	5.27	3.62	3.88	2.89

Although the Commission appear to be more tolerant of national than local deviations from the mean, there are occasions when the pursuit of broad electoral equality demands the violation of rule 4. The third review did not formally breach this rule but did recommend constituencies which crossed metropolitan district boundaries in order to achieve greater electoral equality. This practise has been extended in the current review, together with the more radical proposal to cross London borough boundaries. The Commission had flagged its intention to do this from the outset, not least because it met two of its objectives. It was a way of achieving greater equity, certainly, but it also provided a mechanism for substantially reducing the number of seats in London (one of the demands of the Labour law suit in 1983). Currently, the capital has 84 seats, but it is only 'entitled' to 71 on the application of the electoral quota of 69,281. The problem for the Commission arises not at this level, but from the small size of many London boroughs. Three boroughs would only be entitled to one, albeit large, constituency on the strict application of the quota, and 9 more would need to rely on rounding up to give them just two. Such continued rounding rapidly leads to a substantial increase in the total number of seats, whereas the pairing of boroughs allows a much closer adherence to the electoral quota because of the larger electorate taken into consideration.

The case of the boroughs of Redbridge and Waltham Forest provides a good example of the Commission's thinking. Each currently has 3 constituencies but is 'entitled' this time to only 2. The Commission's provisional recommendations noted that the allocation of either 2 or 3 whole seats to each borough would produce electorates 'too distant from the electoral quota'. Taken together, the two boroughs were entitled to 4.8 seats, and the recommendation was to allocate 5 seats requiring 'major changes' and 'that the boundary between the two boroughs will have to be crossed'. The Commission has recommended that pairing between boroughs should take place in six other instances and that London should have a total of 74 seats—10 fewer than at present. Such crossing of boundaries could be seen as causing disruption to 'local ties' and the Commission stated its general intention to attempt

'to link wards across borough boundaries where there is a continuous residential area or where it is likely that some community of interest exists between the areas'<sup>17</sup>.

This concentration on equality at the expense of local ties and the need to avoid disruption contrasts with decisions made in other areas. Indeed, as the table above makes clear, revised recommendations—especially following local inquiries—tend to have the effect of increasing the deviation in constituency size from the national and local mean precisely because they are swayed by arguments about local links and attachments. In 13 counties for which revised recommendations were available, the average deviation increases by about half a percentage point between the two stages. In the example of Hampshire, discussed above, district councils were seen by the Assistant Commissioner as important electoral and community units which it was desirable to retain within a single constituency wherever possible. The revisions made consequent on this interpretation increased the average deviation from the electoral quota in Hampshire. In Nottinghamshire the Commission's initial proposals to make 'adjustments to 5 of the existing 11 seats, to reduce the disparity in the electorates' were overturned following a public inquiry. Instead, it 'decided to revert to the composition of the existing constituencies for its revised recommendations' because of the breaking of local ties that its initial proposals involved<sup>18</sup>.

This respect for local ties has, of course, the by-product of tending to minimise change. Indeed, the increased importance which the fourth review appears to be giving to such matters may ironically lead to the preservation of some controversial constituency boundaries. During the third review, considerable dissatisfaction was expressed over the decision to split the district of Colchester down the middle and join each half with parts of other districts to form two constituencies. The furore did not go unnoticed and an article by two secretaries to the Commission published in 1989 used the Colchester case as an example of 'some of the difficulties considered during the third general review'<sup>19</sup>. The provisional recommendations for Essex on this occasion give the county an additional seat and accept that 'major changes are inevitable ... (although) where possible the Commission has kept these to a minimum'. Even though it also declares the importance of avoiding 'where possible splitting the towns which would break local ties', the criterion of minimal change leaves Colchester still split in two. Thus, the disputed boundary of 1983 could become the local tie to be preserved in 1994.

One assessment of the third review in 1983 believes there is a case for saying that 'a law of "minimum disturbance" operated significantly'<sup>20</sup>. The evidence so far from the current review seems to make the point even more strongly. With the exception of London, where the driving force to reduce the number of constituencies has taken pride of place, the Commission has taken almost every opportunity to leave things as

they are. Counties whose entitlement has come very near to the x.5 cut off point for rounding up have in every case been left with the smaller current number of constituencies. In Avon, whose entitlement worked out at 10.48, one district and a handful of parish councils and private individuals called for 11 constituencies to be allocated, but such representations received fairly short shrift from the Assistant Commissioner at the public inquiry and from the Commission in its revised recommendations. It simply 'confirmed its decision to allocate 10 rather than 11 constituencies'. In Derbyshire, entitled to 10.49 seats, the Commission again proposed keeping 10 seats in order that 'little change would be required to the existing constituencies', even though an 11-seat allocation would have made the average county constituency size slightly closer to the national quota<sup>21</sup>. In the end, as in Nottinghamshire, representations made at the public inquiry about the unnecessary disturbance to the allocation of individual wards led to the Assistant Commissioner recommending and the Commission accepting even less change in Derbyshire's constituency boundaries.

### *Boundary reviews and politics*

In discussions about the Commissions' proposals and in the representations made in favour or against their recommendations, the question of party political advantage is the issue that dare not speak its name. Such considerations are never far below the surface and have influenced the timing and implementation of general reviews, as well as the reception given to individual cases of boundary drawing. The Commissions have successfully distanced themselves from the fray, although the electoral consequences of what they are proposing do sometimes provoke outbursts from partisans. In East Sussex the English Commission noted that 'some of the representations received called into question the independence of the Commission. The Commission wishes once again to stress that it is an independent and totally impartial body. The results of previous elections do not and should not enter its considerations when it is deciding upon its recommendations. Nor does the Commission consider the effects of its recommendations on future voting patterns.'<sup>22</sup> They are alone in taking such an electorally agnostic view of boundary changes.

Each set of boundary reviews since the second world war has tended to favour the Conservatives. The long-term process of population movement has seen people leave the cities for the suburbs, with consequently more seats allocated to the shires and fewer to the metropolitan areas. In 1959, Liverpool and Manchester each had 9 seats; the provisional recommendations of the current review would reduce the number of seats wholly based on Liverpool from 6 to 5 and those in Manchester from 5 to 4. By contrast, Buckinghamshire, which had 4 seats in 1959, and Essex, which had 12, are proposed to grow to 7 and 17 constituencies respectively. The pattern has thus been one of

the merger or abolition of Labour strongholds as their electorates' decreased, together with the expansion through sub-division of large, suburban Conservative-inclined areas.

The political consequences of such redistributions are not dependent on individual electors changing their party preferences. Rather, they come about because of the Boundary Commissions' primary task of equalising constituency electorates. In 1979, before the third review, the average electorate in those constituencies which returned Conservative MPs was over 8,000 more than in those constituencies where Labour MPs were elected. If both parties had received the votes of an equal share of the electorate at the 1979 general election, then Labour would have been returned with a parliamentary majority of 26. In other words, it took fewer votes to elect a Labour than a Conservative MP because of the disparity in the average size of constituencies where each party was strong. The 1983 redistribution went some way towards redressing the imbalance and in doing so inevitably created more seats that the Conservatives were likely to win.

Since 1983, or rather since 1976 because the third review's proposals were based on that year's electorate figures, the pattern of population movement has continued. At the 1992 general election, the disparity in the average electorate size between Conservative and Labour constituencies had again grown to 8,000, and an equal sharing of votes would have seen Labour win 38 more seats than the Conservatives<sup>23</sup>. As in 1983, the review of boundaries was certain to benefit the Conservatives, and this time the government took steps to ensure that the advantage was reaped as quickly as possible. Whereas the Labour government had acted in 1969 to prevent the implementation of a boundary review which it knew would be unfavourable, the present Conservative government has legislated to hurry the Boundary Commission up in order that their, assumed advantageous, recommendations are in place before the next general election.

However, although the general political consequences of a boundary review may seem clear, the exact recommendations made by the Commission area by area can have a significant impact on the overall outcome. For example, the proposal to cross London borough boundaries and to reduce the number of constituencies in the capital is unlikely to provide a clear-cut bonus to any political party. The discrepancy in average electorate size between constituencies which the Conservatives as opposed to Labour won in London in 1992 is just 400, and a reduction in seat numbers will hit both. Indeed, the decision of the third review in 1983 not to cross borough boundaries probably acted to the Conservatives' advantage and was certainly one element in Labour's High Court challenge to their proposals.

Elsewhere, even the allocation of individual wards can presage triumph or disaster for the parties. Disallowed from making electoral advantage the justification for their preferred solution, representations



to the Commission and to Assistant Commissioners at public inquiries imaginatively attempt to cloak self-interest within an expressed concern for community attachments and local ties. The second inquiry in Hampshire really hinged on rival Conservative and Labour-sponsored attempts to get the ward which most favoured their opponents excluded from the electorally marginal Southampton Test constituency. The public face of the battle, however, was about which ward's 'local ties' would be most damaged. In Sheffield, initial recommendations to change the composition of 4 of the city's 6 constituencies provoked hostility from both the Labour and Conservative parties, whereas the local Liberal Democrats approved of the Commission's proposals. Closer inspection reveals that the proposed ward allocation would be likely to have turned one safe Labour and one safe Conservative seat into more marginal constituencies, each presenting a reasonable prospect for the Liberal Democrats. The counter-proposal, again common to Labour and the Conservatives, was to rectify the imbalance in Sheffield electorates by the transfer of just one, Labour-inclined ward. Labour supporters in that ward would be happy to move from a probable Conservative to a probable Labour constituency. Conservative activists would know that the transfer of the ward would make their own tenure of the seat more certain. The Assistant Commissioner recommended acceptance of the counter-proposal, but not, of course, on such grounds. She commented that it proposed a solution which 'would be less disruptive than the Commission's provisional recommendations' and that the current seats had natural boundaries in the form of river valleys which it was desirable to retain<sup>24</sup>.

The ability to present a coherent counter-proposal is a great advantage to a party political or other group attempting to reverse a Commission's provisional recommendations. The case of constituency boundaries in Leicestershire provides a good example. The application of the electoral quota entitled Leicestershire to an extra seat, which the Commission proposed should be in the south of the county. At an early stage, Labour set out a counter-proposal for the division of boundaries throughout the county, with the extra seat created in the north. The report on the local public inquiry makes clear the extent to which this counter-proposal set the agenda at the inquiry and how opposition to it, especially from Conservative party representatives, tended to be piecemeal, constituency by constituency. The Assistant Commissioner was convinced. His report states, 'The counter-proposal has the advantages over the Commission's provisional recommendations of causing the least disruption to the existing constituencies in the county and of producing electorates that are as good as, if not marginally better, than those under the Commission's provisional recommendations . . . I recommend therefore that the counter-proposal be adopted'.<sup>25</sup> The Commission's revised recommendations accepted the Assistant Commissioner's report in its entirety and its final recommendations rejected

attempts to fight a rearguard action against it, insisting that 'the counter proposal was fully debated at the inquiry by both its supporters and objectors: in fact, it was the main issue at the inquiry'.<sup>26</sup>

One of the important by-products for Labour of the success of its counter-proposal in Leicestershire was to make the currently marginal North West Leicestershire constituency an even better prospect for the party. This came about by making the seat coterminous with the eponymous district council, where Labour enjoys an overall majority. In general terms, it is to Labour's advantage to argue for geographically more compact seats with a defined urban core—the so-called 'doughnut' effect. The Conservatives, on the other hand, benefit from constituencies which split a town or city down the middle and include a significant proportion of suburban or rural hinterland—the 'sandwich' effect. Many battles over the Commission's proposals take place against this background, and in several counties it is the 'doughnut' and not the 'sandwich' solution which has prevailed. In Lincoln, Worcester and Bedford, for example, seats based on the urban core are proposed and seen as potentially winnable by Labour. By contrast, in Norfolk, the two Norwich seats each gain additional wards from outside the city, the 'sandwich', making the Conservatives' very marginal Norwich North constituency a little less vulnerable.

These examples all give an insight into the high political stakes involved in the boundary review. Ironically, however, the insistence by the government that the Commission should work to an accelerated timetable does not look as if it will give the Conservatives quite the bonanza of extra seats they had expected. Initial estimates that they would gain an extra 20 constituencies have been constantly revised downwards and are now firmly into single figures<sup>27</sup>. The English Commission's determination to keep the total number of additional seats to a minimum and its preference, all things being equal, for minimal change have worked against the Conservatives. The disparity in the average electorate size of Conservative and Labour seats will be tempered at best, whereas a more time consuming, root and branch review dedicated to putting electoral equality above most other considerations would have served the Conservatives better. The party will have new constituency boundaries in place before the next general election. It is just that those boundaries may not take the form that they originally hoped.

#### APPENDIX

The rules for the redistribution of seats are laid out in Schedule 2 of the Parliamentary Constituencies Act 1986.

1. (1) The number of constituencies in Great Britain shall not be substantially greater or less than 613.
- (2) The number of constituencies in Scotland shall not be less than 71.
- (3) The number of constituencies in Wales shall not be less than 35.

- (4) The number of constituencies in Northern Ireland shall not be greater than 18 or less than 16, and shall be 17 unless it appears to the Boundary Commission for Northern Ireland that Northern Ireland should for the time being be divided into 16 or (as the case may be) into 18 constituencies.
2. Every constituency shall return a single member.
  3. There shall continue to be a constituency which shall include the whole of the City of London and the name of which shall refer to the City of London.
  4. So far as is practicable having regard to rules 1 to 3.
    - (a) in England and Wales, (i) no county or any part of a county shall be included in a constituency which includes the whole or part of any other county; (ii) no London borough or any part of a London borough shall be included in a constituency which includes the whole or part of any other London borough,
    - (b) in Scotland, regard shall be had to the boundaries of local authority areas,
    - (c) in Northern Ireland, no ward shall be included partly in one constituency and partly in another.
  5. The electorate of any constituency shall be as near the electoral quota as is practicable having regard to rules 1 to 4; and a Boundary Commission may depart from the strict application of rule 4 if it appears to them that a departure is desirable to avoid an excessive disparity between the electorate of any constituency and the electoral quota, or between the electorate of any constituency and that of neighbouring constituencies in the part of the United Kingdom with which they are concerned.
  6. A Boundary Commission may depart from the strict application of rules 4 and 5 if special geographical considerations, including in particular the size, shape and accessibility of a constituency, appear to them to render a departure desirable.
  7. It shall not be the duty of a Boundary Commission to aim at giving full effect in all circumstances to the above rules, but they shall take into account so far as they reasonably can- (a) of the inconveniences attendant on alterations of constituencies other than alterations made for the purpose of rule 4, and (b) of any local ties which would be broken by such alterations.
  8. In this application of rule 5 to each part of the United Kingdom for which there is Boundary Commission-(a) the expression 'electoral quota' means a number obtained by dividing the electorate for that part of the United Kingdom by the number of constituencies in it existing on the enumeration date.

1 The current rules for the redistribution of seats, excluding some legal and technical language, are included as an Appendix.

- 2 See *The Parliamentary Boundary Commissions and the Boundary Commissions Bill*, House of Commons Library Research Note No. 92/61; and D. Butler, 'The Redistribution of seats', *Public Administration*, 31 1954.
- 3 D. Butler, *The Electoral System in Britain Since 1918* (Oxford University Press, 2e, 1963).
- 4 Though the 'essential' contradiction in trying to deliver both population equality and respect for 'local ties' was highlighted in a number of quarters. See G. Rowley, 'The Redistribution of Parliamentary Seats in the United Kingdom' and 'Parliamentary Seat Redistribution Elaborated', *Area*, 7 1975.
- 5 Taken from R. Mortimore, *Constituency Structure and the Boundary Commission* D. Phil thesis, Oxford University, 1992.
- 6 R. Johnston, D. Rossiter, C. Pattie and A. Russell, 'The Definition of Parliamentary Constituencies in England: Searching for Principles in the Work of the Boundary Commission', paper for the conference of the PSA Elections, Parties and Public Opinion Group, 1993.
- 7 R. Waller, 'The 1983 Boundary Commission', *Electoral Studies*, 2 1983.
- 8 'Redistribution of Seats', The Second Report of the Home Affairs Committee, session 1986–87.
- 9 An interim review had been set up and recommended the creation of additional seat in Buckinghamshire as a result of rapid population growth in Milton Keynes. This brought the complement of the House of Commons to 651 at the time of the 1992 general election.
- 10 See *The Review of Parliamentary Constituencies 1991*, Parliamentary Boundary Commission for England, 1991 (2e 1993).
- 11 This was especially apposite in 1991 following widespread claims that large numbers of electors had withdrawn from the register in order to avoid having to pay the community charge (poll tax). For evidence of the electoral impact of such 'de-registration', see I. McLean and J. Smith, 'The Poll Tax, the Electoral Register and the 1991 Census: an update', paper for the conference of the PSA Elections, Parties and Public Opinion Group, 1993.
- 12 Evidence of the English Boundary Commission to the Home Affairs Committee, session 1986–87.
- 13 The provisional recommendations for Hampshire were produced on the same day as those for the Isle of Wight. The two counties had to be considered in parallel because any decision to allocate more than a single seat to the Isle of Wight would have had spillover effects in the adjacent county, Hampshire. The details and quotations concerning the review of Hampshire are taken from the various News Releases issued by the Boundary Commission for England.
- 14 D. Butler, 'The Redrawing of Parliamentary Boundaries in Britain' in P. Norris et al. (eds), *British Elections and Parties Yearbook 1992* (Harvester Wheatsheaf, 1992).
- 15 See, e.g., I. McLean 'Why does nobody in Britain seem to pay any attention to voting rules' in P. Norris et al, op. cit; and I. McLean and R. Mortimore, 'Apportionment and the Boundary Commission for England', *Electoral Studies*, 11 1992.
- 16 Johnston et al, op. cit.
- 17 News Release on North London constituencies, 1 July 1993. A review of the likely impact of such pairing can be found in D. Rossiter, R. Johnston, and C. Pattie, 'Redistricting London: The Issues and Likely Political Effects', *Environment and Planning A*, 24 1992.
- 18 News Release on Nottinghamshire, 19 January 1994.
- 19 G. Barnes and R. McLeod, 'The Criteria for Revising Constituency Boundaries', *Population Trends*, 57 1989.
- 20 Waller, op. cit.
- 21 Quotations taken from relevant News Releases for each county. The decision in Derbyshire is a clear sign of the Commission's reversal of the rounding up practises of the third review.
- 22 News Release on East Sussex modified recommendations, 16 February 1994.
- 23 Figures in this and the previous paragraph are taken from Butler, 'The Redrawing of Parliamentary Boundaries in Britain' and from J. Curtice and M. Steed, 'Appendix 2: The Results Analysed' in D. Butler and D. Kavanagh, *The British General Election of 1992* (Macmillan, 1992).
- 24 News Release on South Yorkshire boundaries, 19 January 1994.
- 25 Report on local inquiry for Leicestershire.
- 26 News Release on Leicestershire boundaries, 15 September 1993.
- 27 See, e.g. 'Labour beats Tories at own game in boundary review', *The Guardian*, 31 August 1993.