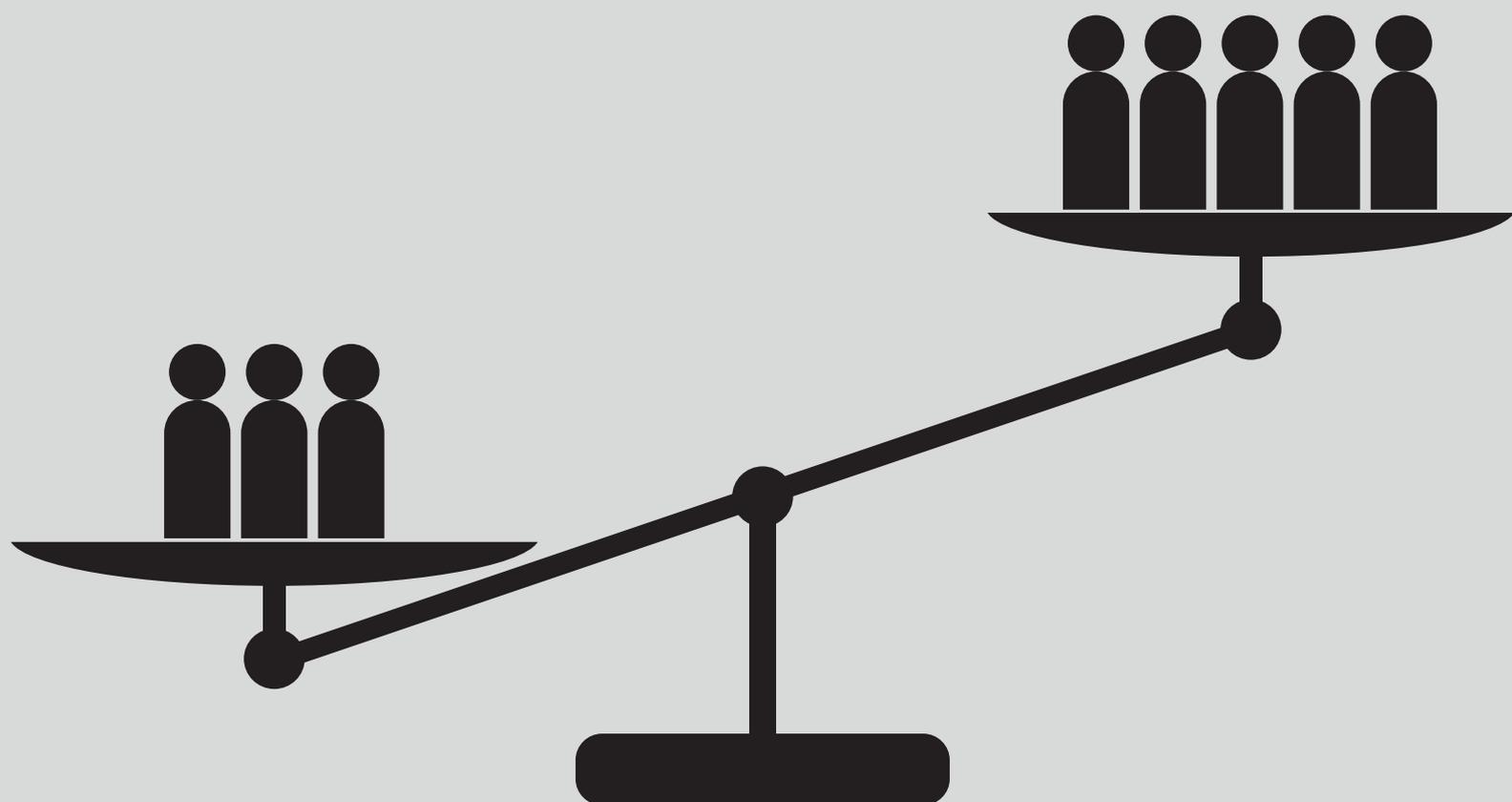


Challenging the Democratic Deficit

THE 2018 CONSTITUENCY BOUNDARY REVIEW - A LOST OPPORTUNITY

by **Steve Griffiths**



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Published by the **Centre for Welfare Reform**



Publishing Information

Challenging the Democratic Deficit © Steve Griffiths 2018

First published May 2018

Challenging the Democratic Deficit is published by the Centre for Welfare Reform

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www.centreforwelfarereform.org

Adapted from a design by Henry Iles: www.henryiles.com

38 pp

ISBN download: 978-1-912712-01-4

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Summary



Background

- What is an ‘elector’ in our democracy? This paper examines the implications of legislation by the Coalition Government in 2011 which brought about a parliamentary election Boundary Review based on the notion that an ‘elector’ is a person who has registered to vote.
- This excludes millions who are not registered, particularly young people, private renters, and a number of ethnic minority groups, who are eligible to vote if they do register. It set in concrete massive inequities in our representative democracy.
- By its own measure – ‘the principle of greater equality in the value of each vote is at the heart of this Boundary Review’ (Leader of the Commons, 2013) – it contains built-in obsolescence. The Government’s continuing insistence that the ‘electorate’ is formed only by those registered in December 2015 excludes 1.75 million voters who were newly registered in 2016, and 2.3 million who registered in the runup to the 2017 election, of whom two-thirds were aged under 35.
- The Government acted against the advice of the Electoral Commission to bring forward the conclusion of the introduction of Individual Electoral Registration to December 2015, disenfranchising most of 1.9 million voters who were being transferred from the old household registration system to the new. The December cutoff also meant that student registrations were at their lowest seasonal point: they are at their peak in May.
- On this shifting, selective and already outdated foundation, our parliamentary boundaries have been redrawn.

Analysis

- This paper examines the impact of the Government's use of a restricted definition of the electorate to exclude people who are eligible to vote but have not yet registered. It uses a range of population perspectives to evaluate the Government's approach to the Boundary Review.
- Its focus is on the proposals of Boundary Commission England. While it is hoped that this will inform further consideration of the Reviews in the other nations of the UK, its primary aim is to inform and influence an early parliamentary debate, as recommended by a new report of the Commons' Public Administration and Constitutional Affairs Committee.
- The current distribution of constituencies has profound inequities. At present, in terms of overall population, the ten MPs for the constituencies with the lowest ratio of registered voters to overall population represent half a million more residents than the ten constituencies with the highest ratio. This has major workload implications for MPs. The Member for West Ham, for example, represents a constituency population of 174,534 – 105,000 more people than the MP for Wirral West.
- But if we look at the constituencies proposed by the Boundary Review, the ten with the smallest adult populations will have on average 43,720 fewer resident adults than the ten with the largest adult populations.
- The ratio of registered voters to eligible adult population in current constituencies was calculated. In Liverpool Riverside, almost a third of eligible voters were not registered. If the 50 constituencies with the lowest ratio were reallocated to new constituencies with the same eligible population as those with the highest ratio, they would gain 8 MPs. Thus a Boundary Review based on electoral registers will further entrench inequality of representation.
- The relationship between the voter registration levels of constituencies and their rankings in the 2015 Indices of Deprivation was examined. The mean deprivation ranking of the fifty with the lowest ratio of registered voters to adults eligible to vote was more than 200 places higher than that of the fifty with the highest ratio. Using registered voters as the population base for the Boundary Review will further entrench a systemic democratic deficit affecting the most deprived areas.

Other Findings

- Several studies have concluded that the political and economic case for reduction in the number of MPs from 650 to 600 has not been made.
- The narrow and rigid electorate parameters adopted for the Review, resulting in splitting of wards and constituencies straddling two local authorities, will cause disruption of local government, confusion over democratic accountability, duplication, and waste.

Solution

- The Private Member's Bill sponsored by Afzal Khan, the Member for Manchester Gorton, addresses the number of MPs and partially addresses the narrow parameters of variation in constituency size. But it does not address the core issue of volatility in electoral registration and the exclusion of millions of unregistered voters.
- A data resource already available, and a simple form of legislative amendment, will resolve this major flaw. These can deliver a solution consistent with principles of equal democratic representation, access to representatives by constituents and equal workload for MPs, using more robust and less volatile data to inform a Boundary Review more credibly based on the principle of universal suffrage.
- The Office for National Statistics produce regular and robust estimates of adult population which can be adjusted to subtract the population of ineligible foreign nationals using Census data and the Annual Population Survey data on nationality. This creates a stable and viable dataset of eligible adult population to support a Boundary Review. Tables previously commissioned by Parliament demonstrate that this can be done, and the Scottish Government have recently published equivalent data.
- Maintenance of this capacity should be a priority for the programme of research and trials by the Office for National Statistics regarding the future of the Census, since solid population data are fundamental to democracy and to the functioning of our society. With this in mind, future Boundary Reviews could be timed at two or three years after each ten-yearly Census.

- The current terms excluding eligible but unregistered voters hinge on a definition of ‘electorate’ in Schedule 2 of the Parliamentary Constituencies Act 1986 as amended in 2011 by the Coalition Government. This paper proposes a simple amendment of this definition to include ‘the total number of persons eligible to vote by dint of age and citizenship’. It should include persons aged 16 or over, both to lengthen the life of a future Boundary settlement, and in recognition of the rights of young people.
- Since the Reviews initiated by the 2011 Act are not fit for purpose, this amendment should be adopted as a matter of urgency in order to develop a sustainable and inclusive parliamentary democracy. The Commons' Public Administration and Constitutional Affairs Committee's recommendation of an urgent parliamentary debate to bring about a new Boundary Review to be implemented in time for the 2022 General Election should be pursued on this basis.

1. Overview



At present there are 650 parliamentary constituencies in the UK. Each is represented by one Member of the House of Commons. Constituency boundaries influence a candidate's chances of winning an individual constituency, and thus determine how a party's national vote translates into seats in the House of Commons - and therefore who can form a Government. These boundaries are periodically reviewed by independent Boundary Commissions, one covering each of the constituent nations of the UK, using rules laid down in legislation.

The rules for the distribution of parliamentary constituencies were substantially changed by the Coalition Government in 2011. New legislation decreed that the number of parliamentary constituencies should be reduced to 600, and that the electorate of all but four constituencies should be within 5% of the UK average number of electors for a constituency. This last rule was a major departure from previous reviews of parliamentary constituency boundaries as it sharply reduced the scope for flexibility.

These new requirements have made the implementation of new boundaries contentious. The previous review, which was due to report in 2013, was cancelled. The Boundary Commissions must publish their latest recommendations in September this year. Parliament will then have to decide whether or not to implement them. It is widely predicted that they may be rejected.

Until a new set of boundaries is implemented, the existing ones continue to be used. These were introduced in 2005 in Scotland, and in 2010 to the rest of the UK. They were mostly based on data from 2000 and 2001.

The risk of history repeating itself

A new report from the House of Commons Public Administration and Constitutional Affairs Committee considers the options for the General Election in 2022 if Parliament chooses not to implement the Commissions' recommendations.¹ It posits two alternatives:

1. To use the existing boundaries based on data that will, by then, be over twenty years old, or
2. To amend the law and require a new review, which would realistically require a truncated boundary review process if new boundaries are to be implemented by May 2022.

It calls for an early debate in the Commons to consider the viability of the second option and enable its implementation if adopted.

However, the report also identifies what is in effect a built-in obsolescence in any Boundary Review based on a constantly shifting distribution of registered voters:

‘There were 2.1 million more registered voters in June 2017 compared to December 2015.’

It does not draw the obvious conclusion, that a Boundary Review based on a volatile population indicator that does not reflect the principle of universal suffrage is by definition unstable and unsustainable.

Indeed, it repeats the assumptions made by Government since 2011 that the approach to the Review laid down by the legislation will ‘keep the number of electors in each constituency broadly equal.’ Members of both the Coalition and current Conservative Governments have regularly given more contentious expression to this claimed principle:

‘The principle of greater equality in the value of each vote is at the heart of this Boundary Review.’²

The Public Administration and Constitutional Affairs Committee report repeats the assumption that the methodology can result in ‘more equal boundaries in 2022’, while presenting evidence that calls that assumption into question.

It is an assumption that this paper will test, presenting substantial evidence of a risk of repeating mistakes to the disadvantage of our democracy.

The aim of this paper

This paper endorses the Committee’s recognition of the weak and outdated basis for the current Boundary Reviews, and of the urgency of a search for a better solution. However, it also examines the inherent weakness identified but not acknowledged by the Committee’s report, and asks whether it is possible to arrive at a more robust and democratic approach. It pulls together earlier evidence and presents new, with the aim of providing a ready resource to Members of Parliament who are committed to a viable, fair and sustainable basis for Boundary Reviews.

In particular it addresses:

- a. Whether the approach prescribed by the legislation meets the objective claimed for it, ‘to keep the number of electors in each constituency broadly equal’;
- b. the relationship between deprivation and democratic deficit in this context;
- c. the availability of more robust and less volatile data to inform a restructuring of constituencies more firmly and stably based on the principle of universal suffrage; and
- d. whether there is a viable alternative approach more consistent with principles of equal democratic representation, access to representatives by constituents, equal workload for MPs, and minimised waste and disruption to local political functions.

Methods

Four statistical approaches are taken to Boundary Commission England's 2018 Review to identify any flaws and feasible ways to remedy them. They are:

- 1.** Setting the totals of registered voters against the total populations of constituencies, using this comparison as one measure to assess the equity of using electoral registers as the dataset to determine the size of future constituencies (Section 3);
- 2.** Creating a new small area 'adult population' dataset from population estimates, and upscaling it to the constituency boundaries proposed for the 2018 Boundary Review, to demonstrate new and substantial inequities created by the approach prescribed by the legislation, exacerbating the problems the Review claims to remedy (Section 4);
- 3.** Setting out feasible methodologies to arrive at robust estimates of population eligible to vote, in particular taking account of ineligible foreign nationals, as a 'best fit framework' for universal suffrage; and applying this to existing constituencies, again illustrating substantial inequities created by the Boundaries Review; but also creating a roadmap for a viable and desirable alternative to the prescribed approach (Section 5); and
- 4.** Using the constituency rankings of the 2015 Indices of Deprivation to show how the constituencies with the biggest discrepancies between registered voter population and eligible resident population are also substantially the most deprived, establishing that the 2018 Boundary Review is at present set to exacerbate the democratic deficit of England's most deprived communities (Section 5).

This analysis of the proposals of the Review by Boundary Commission England aims to cast light on the uniform approach taken to the Boundary Reviews in all four nations of the UK.

2. Areas of concern

Boundary Commission England's proposals for reconfiguring the country's parliamentary constituencies are based not on the adult population eligible to vote, but on electoral registers.³ Research by the Electoral Commission in July 2014 found that 7.5 million people were eligible to vote but not registered in 2010, particularly young people, some ethnic minority groups, and private tenants.⁴ Under-registration continues to be a major issue, and it is curious that an approach to boundary review has been adopted which assumes the exclusion of large sections of the population from legitimate participation in our democracy.

The methodology for this exercise was laid down in detail by the Coalition Government by Act of Parliament (Schedule 2 of the Parliamentary Voting System and Constituencies Act 2011). The Boundary Commission, despite its independent status, is obliged to implement this. There are three major areas of concern about the Review.

1. The exclusion of voters who are eligible to vote but not registered

Under the terms of the 2011 Act, the basis for standardisation of parliamentary constituency populations used in the current 2018 Boundary Review is the December 2015 Electoral Register (brought forward by the new Conservative Government in 2015 from December 2016). After this cut-off point, 1.75 million voters were newly registered in 2016, and 2.3 million in the run-up to the 2017 election, of whom two-thirds were aged under 35.

Despite these surges in registration, the total registered electorate only increased by 400,000 between the 2015 General Election and the 2017 General Election.⁵ This modest increase suggests that there is also a substantial negative factor impacting on registration levels.

There is strong evidence that this factor was the introduction of Individual Electoral Registration (IER) in 2014. IER is the replacement of a household-based process of registration with individual responsibility to register as a voter. This appears to be having a negative impact on registration levels in urban constituencies with high transient populations. It was compounded shortly after the 2015 General Election by the Conservative Government bringing forward completion of the IER transition period by a year to December 2015.⁶ At this point only 24% of 1.9 million 'transitional cases' (i.e. voters) had been verified, so that the remainder were in many cases unjustly disenfranchised, against the advice of the Electoral Commission.⁷ This reduced electorate, as at December 2015, was then used as the basis for the Boundary Reviews.

The peak in registration in 2017 demonstrates considerable volatility in the chosen basis for redrawing the electoral boundaries. The spike in the numbers of young people registering supports this conclusion. It means that the exhaustive work carried out for the Boundary Review is likely already to be substantially out of date, significantly undermining the basis of the exercise.

2. Failure to link logically to local boundaries

The Review's adherence to a principle of limiting the variation in the number of registered electors in each constituency to 5% above or below the mean has resulted in electoral boundaries that cut across local authority and even ward boundaries in a way that will cause disruption of local government and confusion over democratic accountability.

3. Failure to link constituencies to real population

The exclusion of unregistered adults from the population base used to inform the reorganisation of constituencies creates new problems of inequity which undermine the principle of universal adult suffrage, and reinforce social and democratic exclusion.

Government Response

In 2015, the Government rejected proposals for improvement made by the House of Commons Political and Constitutional Reform Select Committee which addressed the first two of these concerns.⁸

“Areas with the lowest levels of registration are often those that already have the least voice in politics. Young people, some ethnic minority groups and those in the private rented sector are all less likely to register to vote than others. That makes many of them effectively cut out of the new political map.”

Chief Executive of the Electoral Reform Society

3. A system in need of reform

Unequal constituencies, representation and workload for MPs

As well as representing voters, Members of Parliament represent the interests of:

- ◆ registered voters who did not vote,
- ◆ those who could have registered but did not, and
- ◆ those who are not eligible to register, including children and foreign nationals.

Unregistered constituents may work, pay taxes and contribute to the local economy. They may finance as well as provide and use services. They may or may not be eligible to vote. Representing them raises political issues and creates workload for each constituency MP.

A Private Member's Bill, the Parliamentary Constituencies (Amendment) Bill, was introduced in 2016 to address some of the issues identified above. It fell when a General Election was called in May 2017. A House of Commons Library Briefing on the Bill contains much valuable analysis of the issues.⁹ It cites figures demonstrating very substantial variation between constituencies in population of all ages. Table 1 below is adapted from the Library Briefing. It presents a graphic picture of the challenges already faced by many MPs representing constituencies with disproportionately large populations – and access to these MPs by their constituents. For consistency, the Library Briefing's table has been adjusted to confine it to English constituencies.

The findings are striking:

- The MP for West Ham, for example, represents a constituency population of 174,534 – 105,000 more people than the MP for Wirral West. Just under half of West Ham's population are not registered electors, compared to one fifth of West Wirral's. To put it differently, in West Ham there are 1.9 residents for every registered voter; in Wirral West, there are 1.25 for every registered voter. In principle and in practice this is a democratic deficit, a structure in need of reform in ways unaddressed by the 2018 Boundary Review.

Taking the ten constituencies with the lowest ratio of registered voters to population, and comparing them to those with the highest ratio:

- In the lowest ratio constituencies, the ten MPs represent half a million more residents.
- The lowest ratio constituencies' mean total population is 138,286, over 50,000 more than the highest ratio constituencies (86,844).

These inequities show that using registered voter data rather than population data to determine parliamentary boundaries entrenches democratic inequities rather than addressing them. In spite of many representations, the 2018 Boundaries Review has continued on this flawed basis.

Ranking by ratio of registered voters to all ages population (estimate)	English Parliament constituency	Mid-2015 population estimate (all ages)	Dec 2015 registered voters	Ratio of registered voters to all ages population
1	Westminster North	128,945	59,436	0.46
2	Tottenham	141,715	66,629	0.47
3	Cities of London and Westminster	122,114	58,071	0.48
4	Birmingham, Ladywood	138,025	65,716	0.48
5	Kensington	114,592	55,432	0.48
6	Poplar and Limehouse	153,969	76,149	0.49
7	West Ham	174,534	86,902	0.50
8	Leeds Central	146,570	73,767	0.50
9	Hendon	134,483	69,502	0.52
10	Finchley and Golders Green	127,909	66,631	0.52
641	Gainsborough	95,363	74,332	0.78
642	Stone	84,910	66,267	0.78
643	Stroud	103,611	80,909	0.78
644	New Forest West	85,483	66,871	0.78
645	Wirral West	69,325	54,232	0.78
646	North Norfolk	86,315	67,640	0.78
647	York Outer	96,080	75,778	0.79
648	Christchurch	85,552	67,600	0.79
649	Sefton Central	83,654	66,208	0.79
650	Staffordshire Moorlands	78,148	62,337	0.80

TABLE 1. Current English constituencies: inequities in population and registration

Sources: Mid year population by constituency figures from the Office of National Statistics. Voter registration in December 2015 from the Electoral Commission.

4. Impact of Boundary Review

For this paper, population data have been applied to the Boundary Review's proposed configuration of constituencies. In this way, large variations in adult population between the proposed constituencies have been exposed. This challenges the Government's claim that the 2018 Review will remove inequities in democratic representation.

Small area data (LSOAs – Lower Layer Super Output Areas) for the adult population of England were obtained from the Office for National Statistics Population Estimates for 2014. The data were applied to the constituency boundaries proposed under the 2018 Boundary Review. The boundaries developed by the Review conform with the requirement of the 2011 Act to fall within a 5% tolerance: i.e. no proposed constituency contains more than 5% more or less than a mean total of registered voters. A Select Committee described this as 'a major departure' from previous reviews which 'seriously limited the extent to which local ties and existing constituency boundaries were able to be taken into account'.⁸

Analysis of the adult population of the proposed constituencies reveals that rather than smoothing out the political map, the Review will create new and substantial inequities. We present numbers rather than percentages here to illustrate.

The mean number of adults per proposed constituency was 85,279. Of 501 proposed English constituencies, 142 each contained 5,000 or more adults fewer than the mean. 99 contained 5,000 or more above the mean.

As Table 2 shows, in some cases these thresholds were considerably exceeded. If the Review were implemented, the MPs in each of the ten constituencies with the smallest adult populations would on average represent 11,621 fewer adults than the mean. MPs in the ten constituencies with the largest adult populations would represent on average 32,099 more adults than the mean. This makes no sense in terms of achieving better equity of representation: ten constituencies representing on average 43,720 more adults than another ten.

Finally, 6 constituencies have adult populations that exceed the sum of both Isle of Wight constituencies: two MPs for the price of one.

All this raises further questions about the claimed principles of the 2018 Boundary Review.

Proposed constituencies – smallest adult populations	Adult population of proposed constituency	Adult population variation from mean
Isle of Wight West	55,955	-29,324
Isle of Wight East	57,605	-27,674
Mid Bedfordshire	72,885	-12,394
High Peak	73,119	-12,160
Stroud	73,125	-12,154
Rother Valley	73,376	-11,903
Weaver Vale	73,574	-11,705
Sunderland West	73,727	-11,552
Newton Abbot	74,102	-11,177
Eddisbury and Northwich	74,129	-11,150
South Shields	74,166	-11,112
South Northamptonshire	74,376	-10,903
Proposed constituencies - largest adult populations	Adult population of proposed constituency	Adult population excess over mean
Leeds Central	111,608	26,329
Oxford East	111,718	26,439
Hampstead and Golders Green	112,116	26,838
Willesden	113,556	28,277
Poplar and Limehouse	113,936	28,657
Hackney West and Bethnal Green	114,195	28,917
Tottenham	114,902	29,623
Newcastle upon Tyne East	116,613	31,334
Kensington and Chelsea	128,466	43,187
Cities of London and Westminster	136,671	51,392
MEAN	85,278	

TABLE 2. English constituencies proposed by the 2018 Review with greatest shortfall and excess in relation to mean adult population

Source: Mark Fransham, University of Oxford. Calculations using 2011 Census and 2014 Small Area Population Estimates, Office for National Statistics.

5. A fairer system

A more equitable basis for Boundary Review: eligible adult population

In reviewing constituency boundaries, one of three options could have been used for the population base:

1. Registered voters
2. The entire population
3. The eligible adult population (including British nationals and Irish and Commonwealth citizens, and excluding foreign nationals)

Given the substantial shortcomings of the electoral register as a basis for Boundary Review, which are only temporarily mitigated by updating the Electoral Register data to include 2017 (or a future date), there are two remaining alternatives for a viable construction of constituency boundaries:

1. the eligible adult population, as proposed by the Electoral Reform Society¹⁰
2. the total population, discussed in detail by the The House of Commons Library Briefing on the Parliamentary Constituencies (Amendment) Bill ¹¹

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Before considering practicalities, there are matters of principle. In the House of Commons Library Briefing, understandable importance is given to inequitable MP workloads, and the task of MPs to represent their whole constituency, including those unregistered, whether eligible or not, and including children.

However, though giving increased weight to family size in determining constituency size would be understandable, it may have the effect of diminishing the political heft of single and childless adults. There is already a democratic deficit in relation to young people, and a cultural disregard for single and divorced people of working age which is reflected in the ubiquitous term, 'hard-working families'. This tendency should not be exacerbated.

Adult population, whether eligible or not, bears a more direct relationship to MPs' accountability to electors than use of the whole population. There is a case, as we have seen, for including all adults in recognition of their presence as workers, taxpayers, users, funders and providers of services, having an impact on the task of the constituency Member of Parliament.

In arguing for the eligible adult population option, Lewis Baston notes that the USA uses all-age population to determine electoral boundaries, but suggests that, apart from the electoral accountability argument, use of the all-age population would be too radical a departure for the UK.¹² He makes this case:

'The advantage of (the eligible adult population option) is that it is less of a break with the past and can be regarded as an adaptation to cope with the instability of the electoral register. It is more complex, but less challengeable in principle.'

Below we examine the case for, and the viability of, adoption of adult population as the determinant, to be adjusted as far as possible to accord with the eligible adult population, i.e. excluding foreign nationals other than those eligible to vote (who would include Irish and Commonwealth citizens).

Practicalities

Adult population data

The adoption of adult population requires two steps. In creating an adult population dataset for this paper, Mark Fransham obtained population estimates from the Office For National Statistics by age for Lower Layer Super Output Areas (LSOAS) in 2014, as the most up-to-date population estimates for small (i.e. sub local authority) areas.¹³ That gives us raw adult population data which can be aggregated into whatever geographic configuration is needed. They were used to create the adult population dataset for Table 2 above, creating a means to inform evaluation of the configuration of English constituencies proposed by the Boundaries Review.

There are more recent population estimates which give us an age breakdown for current parliamentary constituencies, enabling calculation of populations aged 18 and over. They are not available yet for lower geographical levels. They have been used for Table 3 below, which demonstrates the relationship between registered voter population and eligible adult population in current constituencies.

Foreign nationals ineligible to vote

The second stage in identifying 'eligible adult population' is adjustment for foreign nationals who are ineligible to vote. This is problematic, but not insurmountable. The 2015 Annual Population Survey data on nationality in the UK identify a total population (all ages) of 58.7 million (91.3%) of British nationality; 1.7 million (2.6%) of Irish or Commonwealth nationality; and 3.9 million (6.1%) of other nationality (including EU).¹⁴ There are two main sources of relevant local data which can be used to inform a robust Boundaries Review.

The first is derived from the 2011 Census. It is found in a table for current constituencies in England and Wales only which was commissioned by Parliament in 2014.¹⁵ It enables identification of eligibility to vote at constituency level. It has been used for creation of a dataset to inform Table 3, which compares the eligible adult population of current constituencies with the electoral register population in December 2015 which was used for the Boundaries Review.

It does seem that a less volatile and more democratically robust option for Boundary Review is within our grasp. It can be refined over time by using the second data source available for this purpose.

The current Annual Population Survey data on nationality is broken down into individual nationalities by local authority.¹⁶ These are often small sample sizes and are not robust. The question then is whether they would be more robust if they were aggregated into three nationality groups of:

- ◆ British
- ◆ Irish and Commonwealth, and
- ◆ 'other'.

The 'Other' category would be subtracted from the determining dataset, as was effectively done for the special tables derived from the 2011 Census. The feasibility of this taking account of age ('adult') and being apportioned from local authority to small area level and then aggregated to constituency level, building on the 2011 Census data to support an effective Boundary Review, is clearly challenging; but future Boundary Reviews could be timed at two or three years after each ten-yearly Census. Enough has been achieved for there to be some confidence that this would be within the scope of the ONS.

Comparing the systems

The data sources described above – particularly the 2011 Census table for England and Wales commissioned by Parliament – have been used to create tables comparing the 2015 Electoral Register used for the Boundary Reviews with the population eligible to vote in each current English constituency. Similar data have since been produced for Scotland by the Scottish Government.¹⁷ The creation of the tables suggests that it is possible to establish a robust dataset of eligible adult population to inform a new Boundary Review.

For illustration, Liverpool Riverside has the lowest ratio of registered voters to eligible adult population (see Table 3). This constituency's electoral register contained only 68% of its eligible voters. In 391 of England's 533 constituencies, the proportion is 90% or more. In 153, the proportion is 95% or more. In aggregate, the difference in democratic equity between 90%, 95% and 99% is still significant, and it is difficult to understand why anyone would choose such an obviously inadequate and volatile population database as the electoral register to structure constituency boundaries when a robust alternative is available.

It is striking that the constituencies with the lowest levels of registration are urban in character, with in several cases high student populations.

In his second analysis of *Boundary Review and Individual Registration*, Baston points out that the choice of the cut-off point for the electoral registers as December 2015 picked the time of the year when student registration is at its lowest: May is the peak.¹⁸

	Mid-year 2015 population estimate age 18+	Foreign nationals not qualified to vote	Eligible adult population	Electoral registration total December 2015	Ratio of registered voters to eligible adult population
Liverpool, Riverside	107,635	8,407	99,228	67,054	0.68
Leeds Central	117,044	10,480	106,564	73,767	0.69
Sheffield Central	106,743	10,504	96,239	67,917	0.71
Newcastle upon Tyne East	86,170	4,999	81,171	58,407	0.72
Birmingham, Ladywood	102,687	12,103	90,584	65,716	0.73
Nottingham South	95,837	8,664	87,173	65,512	0.75
Nottingham East	84,109	8,447	75,662	57,132	0.76
Cities of London and Westminster	105,093	28,255	76,838	58,071	0.76
Canterbury	96,116	5,793	90,323	68,695	0.76
Westminster North	102,267	24,191	78,076	59,436	0.76
Poplar and Limehouse	118,589	18,713	99,876	76,149	0.76
Portsmouth South	90,697	6,591	84,106	64,577	0.77
Bethnal Green and Bow	111,654	14,810	96,844	75,002	0.77
Coventry South	93,866	7,154	86,712	67,180	0.77
Newcastle upon Tyne Central	77,705	6,543	71,162	55,483	0.78
Plymouth, Sutton and Devonport	93,319	4,865	88,454	68,987	0.78
Oxford East	103,548	13,686	89,862	70,293	0.78
Lincoln	89,442	4,271	85,171	67,115	0.79
West Ham	133,816	24,026	109,790	86,902	0.79
Leeds North West	71,865	1,784	70,081	55,650	0.79

TABLE 3. The 20 existing English constituencies with the lowest ration of registered voters to adults eligible to vote

A larger scale analysis of eligible population in current constituencies

For this paper, a larger scale analysis was undertaken of the dataset from which Table 3 is derived. Two groups were examined: the 50 constituencies with the lowest registration to eligible adult population ratio, and the 50 with the highest ratio.

- ◆ The mean registration to eligible adult population ratio in the lowest 50 was 0.79; and in the highest 50, 0.98.
- ◆ The mean overall adult population of the lowest group was more than 20,000 greater than that of those with the highest ratio: 95,288 against 75,226. Thus the constituencies with the poorest proportional registration levels are considerably larger than those with the best.
- ◆ There were many more foreign nationals not qualified to vote in the 50 with the lowest ratio: a mean of 10,485 compared to 1,860 in those with the highest ratio.
- ◆ This meant that the difference in eligible adult population between the two groups was smaller than that in total adult population: a mean difference of 11,437, still very substantial. The respective figures were 84,803 (lowest ratio) and 73,366 (highest ratio).
- ◆ If the 50 constituencies with the lowest ratio were reallocated to new constituencies with the same eligible population as those with the highest ratio, they would gain 8 MPs.
- ◆ Strikingly, although the constituencies with the highest ratios had significantly smaller populations than those with the lowest ratios, they had more registered voters per constituency: 71,717 compared to 67,080.
- ◆ This means that a Boundary Review based on electoral registers will further entrench inequality of representation.

22

The relationship between deprivation and the constituencies with the lowest levels of registration

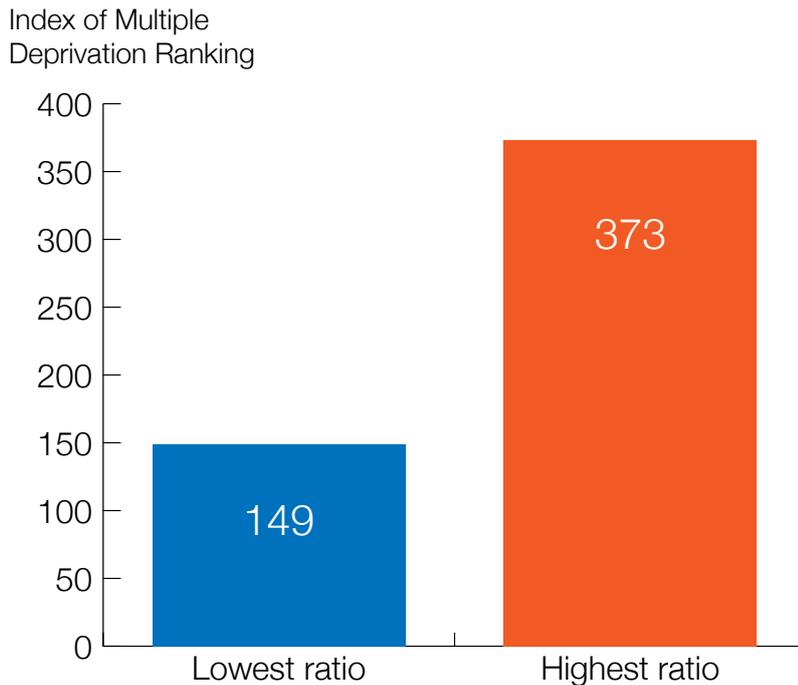
The urban nature of the constituencies where eligible voters were most under-registered suggested investigation of whether there was any relationship between democratic under-representation and deprivation.

The fifty English constituencies (out of 533) where eligible voters were least likely to be registered were selected, and the fifty where eligible voters were most likely to be registered. The mean ranking of the constituencies in each group in the 2015 Indices of Deprivation was calculated. This is shown in Figure 1.

Constituencies are ranked from 1-533 in the Indices of Deprivation, where 1 represents the most deprived constituency.

The mean deprivation ranking of the fifty with the lowest ratio of registered voters to adults eligible to vote was more than 200 places higher than the fifty with the highest ratio.

There is a very strong relationship between deprivation and democratic under-representation in our current electoral system, which as we have found, will be exacerbated by the Boundary Review currently legislated for.



Constituencies are ranked from most deprived (1) to least deprived (533) and scores are calculated using the mean for the 50 constituencies with lowest and highest ratios of registered to eligible voters.

FIGURE 1. Relative deprivation and the highest and lowest ratios of registered voters to adults eligible to vote

Author’s calculations, McGuinness F (2015) *Briefing Paper CBP-7327 Deprivation in English Constituencies 2015*. House of Commons Library ¹⁹

The need for robust population data

The House of Commons Library paper on the Parliamentary Constituencies (Amendment) Bill has substantial practical concerns about the capacity to maintain a database to inform the distribution of constituency boundaries.²⁰

It discusses a supposed lack of constituency level population data. This is belied by the availability of mid-year population estimates down to Lower Level Super Output Areas, which have been used for this paper.

The Library Paper also expresses concern about the future of the Census after 2021, given the Cameron Government’s ‘ambition that censuses after 2021 will be conducted using other (administrative) sources of data and providing more timely statistical information’, setting in motion a large programme of research and trials by the Office for National Statistics.^{21, 22} This needs watching, since solid population data are fundamental to democracy and to the functioning of our society.

6. Flaws in the Boundary Review

Reduction in the number of MPs

The March 2015 report *What Next on the Redrawing of Parliamentary Boundaries* from the House of Commons Political and Constitutional Reform Committee reiterated its previous conclusion that the case for reducing the number of MPs from 650 to 600 had not been made:²³

“We have previously noted that although there may be a case for reducing the number of Members of Parliament to 600, the Government did not make it before introducing legislation to implement the change. We have received a wide range of views on what the “correct” number of MPs might be, but the case for reducing the number of MPs from 650 to 600 has still not been made. We recommend that, in the absence of any compelling reason for reducing the number of MPs and the complete absence of any consultation on or research into the impact of such a reduction, legislation be introduced to reverse the reduction to the number of MPs provided for by the Parliamentary Voting System and Constituencies Act 2011.”

The Government rejected these recommendations.²⁴

The expected annual savings resulting from reducing the number of MPs from 650 to 600 were put in 2015 at £12.2 million. This is a modest saving, easily comparable to the amount claimed in expenses by new peers in the absence of the reform of the House of Lords legislated for in the 2011 Act but not implemented. As seriously, the introduction of new inefficiencies in the relationship between local authorities and MPs due to the approach to boundary reform will result in new costs that the public purse can ill afford.

The narrowing of variation in constituency size to a 5% tolerance

During the passage of the Parliamentary Voting System and Constituencies Bill, the then Deputy Prime Minister, Nick Clegg, claimed that the reform would create constituencies with ‘a sensible average number of constituents’. It is clear from this paper that this is an unsupported claim: it is probably already untrue in a strict sense due to the large numbers of newly registered voters. It is also true that MPs use the term ‘constituent’ loosely in referring to those who live in the areas they represent.

The Parliamentary Voting System and Constituencies Act 2011 required that the size of the electorate in all constituencies (with four exceptions) be within 5% of the electoral quota, i.e. that no proposed constituency should contain more than 5% more or less than a mean total of registered voters. The Political and Constitutional Reform Committee recommended that this constraint be relaxed to 10%, which again was rejected by the Government.²⁵

The House of Commons Library Briefing on the Parliamentary Constituencies (Amendment) Bill in 2016 concluded that the biggest disruption to the drawing of

Parliamentary constituency boundaries was the 5% requirement rather than the reduction of the number of seats to 600.²⁶ It cited evidence by Professor Ron Johnston to the Political and Constitutional Reform Committee:

“67. In terms of the ability of the Boundary Commissions to bring forward satisfactory proposals for new parliamentary constituencies, Professor Ron Johnston told us that the number of constituencies:

“makes very little difference indeed. In all of this debate, that is the red herring; the size of the House is not an important factor in the degree of disruption or fitting into local government boundaries. The Boundary Commission was not making all of these changes because it was going to 600 seats

“As we show in detail in our report, that disruption was caused by the introduction of the uniform national quota and the 5% tolerance; whatever the number of MPs between 600 and 650, the extent of the disruption would have been very similar.”

Disruption of local government and confusion over democratic accountability

In practice in this context, 'disruption' means that a stricter uniformity in constituency populations, whatever the population determinant chosen, will result in incoherence and disruption of lines of democratic accountability. As a report from the Economic and Social Research Council, *Impact of Constituency Boundary Changes*, puts it:²⁷

“The new configurations are much less confined within single local authorities than currently. For instance, Birmingham currently has 10 constituencies, each comprising four of the city’s 40 wards. Two of the 10 constituencies will remain unchanged, while three others will comprise four Birmingham wards each, and the remaining will combine parts of different wards. Several of these new seats combine places with few common interests and close ties; disparate places have been combined simply to meet the numerical rules.”

The practical result of this tight 5% tolerance is twofold.

More MPs, and particularly their staff, are going to have to maintain a working relationship with two local authorities, with different policy agendas and different problems. On the local authority side, this will result in a greater need to liaise with neighbouring authorities over national policies: the lines of policy and political relationships will be less clear, especially where electoral wards have been split. Representatives of one ward may have to deal with two MPs over a local issue. This will lead to confusion, duplication and waste.

Far more constituency political parties will have to deal with two local authorities. Since they are the geographical political unit that selects and relates to both local authority councillors and MPs, they will have to split, and effectively duplicate, their energies. The same applies to voluntary organisations operating at local authority level wishing to make representations to MPs. This will not serve the interests of local people.

7. Private Members' Bill

The Parliamentary Constituencies (Amendment) Bill (2017), sponsored by Afzal Khan, the Member for Manchester Gorton, aims to amend the Parliamentary Constituencies Act 1986 to reduce the impact of the Parliamentary Voting System and Constituencies Act 2011 which set up the current Boundary Review. It seeks to maintain the number of MPs at 650, for reasons rehearsed in this paper.

It also seeks to amend the '5% tolerance', the requirement of the 2011 Act that the size of the electorate in all constituencies (with four exceptions) be within 5% of the electoral quota, i.e. that no proposed constituency should contain more than 5% more or less than a mean total of registered voters. It addresses the problems outlined in section 6 above with a relaxation of the tolerance to 7.5%.

The Commons Political and Constitutional Reform Committee recommended that this constraint be relaxed to 10%, a proposal rejected by the Government in 2015.²⁸ The current Government has signalled its intention to continue with implementing the 2018 Boundaries Review without alteration. The Private Members' Bill, nonetheless, has passed its Second Reading and as at February 2018 is awaiting a date for its Committee Stage.

The Bill does not address the major issues created by using the Electoral Register as a basis for Boundary Review, as examined in Sections 2-5 of this paper and summarised below. It seeks to ease the current problem of using out-of-date Electoral Registers by updating the registers to be used to 2017; but this merely postpones the worst excesses inherent in the current Reviews. It is clear from the evidence outlined here that it would only be a matter of time before they reappeared.

A simple specific amendment would address this. It is set out at the end of Part 8.

8. Conclusion

The electoral register as population base for the Boundary Review

The Boundary Commission England website interprets the Parliamentary Voting System and Constituencies Act 2011 as requiring the 2018 Boundary Review ‘to keep the number of electors in each constituency broadly equal.’²⁹

By this measure and others, the Review has been demonstrated to be unfit for purpose. Its failures stem from the methodology laid down in Schedule 2 of the Act, in particular its use of electoral registers as the population base for new parliamentary constituency boundaries. New problems of inequity and instability are created by the exclusion of adults eligible but not registered to vote from the population base used to inform the reorganisation of constituencies. These undermine the principle of universal adult suffrage, and reinforce social and democratic exclusion. The failures catalogued in this paper include:

- Sharp volatility in voter registration levels from year to year demonstrate that the Review will be substantially out of date by the time of its implementation and will not meet the purpose claimed for it by the Coalition Government (‘The principle of greater equality in the value of each vote is at the heart of this Boundary Review’³⁰)
- The Review’s stated aim was sharply undermined by the introduction of Individual Electoral Registration (IER) in 2014, replacing the household-based process of registration with individual responsibility to register as a voter. IER’s negative impact on voter registration levels took on new significance shortly after the 2015 General Election with the Conservative Government’s decision to bring forward completion of the IER transition period by a year to December 2015. At this point only 24% of 1.9 million ‘transitional cases’ (i.e voters) had been verified, so that the remainder were in many cases effectively disenfranchised, against the advice of the Electoral Commission. This reduced electorate, as at December 2015, was then used as the basis for the Boundary Review.
- Not only does the Boundary Review population database no longer meet its own criterion for greater equity in terms of registered voters - the method adopted results in substantial inequities from a wide range of population perspectives:

In terms of overall population, at present the 10 MPs for the constituencies with the lowest ratio of registered voters to overall population represent 500,000 more residents than the 10 constituencies with the highest ratio. This is not addressed.

In terms of adult population, looking at the constituencies proposed by the Boundary Review, the 10 with the smallest adult populations will each have on average 43,720 fewer resident adults than the ten with the largest adult populations.

Identifying the ratio of registered voters to eligible adult population in current constituencies, if the 50 constituencies with the lowest ratio were

reallocated to new constituencies with the same eligible population as those with the highest ratio, they would gain 8 MPs. This means that a Boundary Review based on electoral registers will further entrench inequality of representation.

- The relationship between the voter registration levels of constituencies and their rankings in the 2015 Indices of Deprivation was examined. English constituencies are ranked from 1-533 in the Indices of Deprivation, where 1 represents the most deprived constituency. The mean deprivation ranking of the fifty with the lowest ratio of registered voters to adults eligible to vote was more than 200 places higher than that of the fifty with the highest ratio. Using registered voters as the population base for the Boundary Review will entrench a systemic democratic deficit affecting the most deprived areas.

Failure to link logically to local boundaries

The legislative requirement that the Review adhere to a principle of limiting the variation in the number of registered electors in each constituency to 5% above or below a mean has resulted in electoral boundaries that cut across local authority and even ward boundaries in a way that will cause disruption and waste in local government, and confusion and duplication in relation to democratic accountability.

Reduction in the number of MPs

As the House of Commons Political and Constitutional Reform Committee concluded twice before its abolition in 2015, the case for reducing the number of MPs from 650 to 600 has not been made. This reform should be abandoned.

Eligible adult population as a stable population base that supports the principle of universal suffrage

It is clear that electoral registers are neither a stable nor an appropriate population base for Boundary Review. There is a viable alternative approach consistent with principles of equal democratic representation, access to representatives by constituents and equal workload for MPs, which uses more robust and less volatile data to inform a restructuring of constituencies based on the principle of universal suffrage. This is the eligible adult population.

The Office for National Statistics produce adequate regular estimates of adult population which can be adjusted to subtract the population of ineligible foreign nationals using Census data and the Annual Population Survey data on nationality. Tables previously commissioned by Parliament have demonstrated that this can be done, and this paper contributes further to this task. Maintenance of this capacity should be a priority for the programme of research and trials by the Office for National Statistics regarding the future of the Census, since solid population data are fundamental to

democracy and to the functioning of our society. With this in mind, future Boundary Reviews could be timed at two or three years after each ten-yearly Census.

An amendment to remove the dependence of the Boundary Review on electoral registers.

This can be achieved by a simple amendment to Schedule 2 of the Parliamentary Constituencies Act (1986), which was amended earlier by the Coalition Government's 2011 Act to entrench the dependence of the Boundary Review on flawed electoral registers:

(1) For Schedule 2 to the 1986 Act there is substituted—

“SCHEDULE 2 Section 3

RULES FOR DISTRIBUTION OF SEATS

Interpretation

9 (1) This rule has effect for the purposes of this Schedule.

(2) The “electorate” of the United Kingdom, or of a part of the United Kingdom or a constituency, is the total number of persons whose names appear on the relevant version of a register of parliamentary electors in respect of addresses in the United Kingdom, or in that part or that constituency. For this purpose the relevant version of a register is the version that is required by virtue of subsection (1) of section 13 of the Representation of the People Act 1983 to be published no later than the review date, or would be so required but for—

(a) any power under that section to prescribe a later date, or

(b) subsection (1A) of that section.

To replace the electoral register for this purpose with robust estimates of adult population, sub-paragraph (2) would need to be replaced by the following (subject to consultation with the Office for National Statistics):

The “electorate” of the United Kingdom, or of a part of the United Kingdom or a constituency, is the total number of persons eligible to vote by dint of age and citizenship, using small area (‘Super Output Area’) Census data produced by the relevant Office for National Statistics, or ONS multi-sourced population estimates, as advised by the ONS. For this purpose the “electorate” dataset shall include persons aged 16 or over.

It is proposed here that the population data used should include those aged 16 or over in order to anticipate attainment of voting age and lengthen the life of the population dataset. Given that these figures have already been commissioned for England and Wales by Parliament, and in response to a request from this author similar data have been published by the Scottish Government, the means are clearly available to deliver a more robust and less volatile dataset within a framework of commitment to enable universal suffrage.

Recasting the Boundary Review

From the evidence presented and reviewed here, much of which has been available for some years, it is clear that the 2018 Boundary Review is not fit for purpose. The drawn-out process of its development should be abandoned and replaced by a fresh Boundary Review based on:

- ◆ a small area database of estimates of the eligible adult population of the United Kingdom;
- ◆ a limitation of the variation in the adult population in each constituency by 10% above or below a mean, with exceptions limited as far as possible to island constituencies;
- ◆ the current total of 650 Members of Parliament; and
- ◆ a principle of electoral boundaries fully consistent with ward boundaries and as far as possible with local authority boundaries

Future Boundary Reviews should be ten yearly and supported by a Census equipped to deliver population data consistent with these principles.

Urgency, fairness and sustainability

The Public Administration and Constitutional Affairs Committee report of February 2018 describes a likely prospect, if the recommendations of the Boundary Reviews are rejected by Parliament, of a General Election in 2022 using electoral boundaries based on registration data that are over twenty years old.³¹ The Committee asks for an early debate so that Parliament can decide to pursue a viable alternative. This is heartily endorsed, as is the identification of Afzal Khan's current Private Member's Bill as a possible vehicle for a solution.

The Committee's discussion of the viability of a possible truncated consultation period to enable a new review in time for the next election is welcome. This would be even more feasible if the proposal of the Political and Constitutional Reform Committee was adopted, to widen the permitted variation between constituency populations from 5%, widely acknowledged to have caused much of the complexity and incoherence of the Review processes, to 10%.³²

However, it is noted that the Committee draws attention to a major flaw in the use of the registered population as the population determining constituency size: its considerable volatility. It does not address the implications of this, particularly the almost immediate built-in obsolescence of using registered voter population, leading to continued inequity to a degree which defeats the purpose of the Reviews.

This paper presents copious evidence to confirm this view. It also makes a detailed case for a viable, fair and sustainable alternative, 'eligible adult population', which could be introduced through a simple amendment to the Private Member's Bill awaiting its Committee Stage.

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About the Author

Steve Griffiths was a community and welfare rights worker in North London for fifteen years before co-ordinating Islington Council's Anti-Poverty Strategy from the late Eighties. He later wrote profiles of poverty and health inequality using small area mapping to examine the interaction of social and health factors in Manchester, Rotherham, Walsall and six London boroughs. Research for the Joseph Rowntree Foundation on the organisation and funding of supported housing led to his becoming one of the architects of the Labour Government's major preventative investment in supported housing for vulnerable people, Supporting People. In 2009 this was evaluated by Cap Gemini and found to be cost-effective to the tune of a billion pounds a year - now ruined - which explains some of the pressure on the NHS. This was followed by work with various bodies on integrated, evidence-based approaches to a strategic shift to prevention and early intervention in health, including a cost-benefit model for resident-led community partnerships to that end. He has written two Thinkpieces for Compass: *Dark times for those who cannot work*, and *Waking up to the cost of inequality*. He has published seven collections of poetry since 1980, with readings in several countries and on BBC Radio.

Acknowledgements

Thanks are due to Mark Fransham Graduate Researcher, School of Geography and the Environment, Oxford University, for his work to populate and analyse the constituencies proposed by the Boundary Reviews; to Professor Danny Dorling, School of Geography and the Environment, University of Oxford, for his early advice and support; Lyn Brown MP, Shadow Minister for Social Mobility, for her encouragement; Chris Terry, Research Officer, Electoral Reform Society, for his help; National Records of Scotland for responding to my request for publication of Scottish tables for persons aged 18 and over qualified to vote in UK Parliamentary general elections; and above all to Dr Simon Duffy, for his recognition of this as an important issue for our democracy and his patience, his editing and his support.

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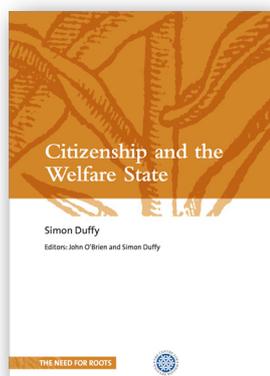
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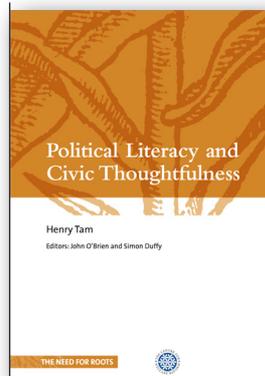
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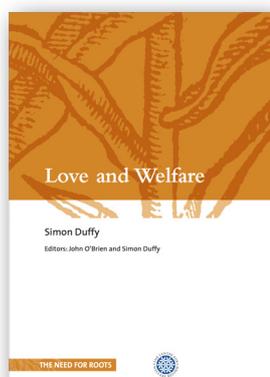
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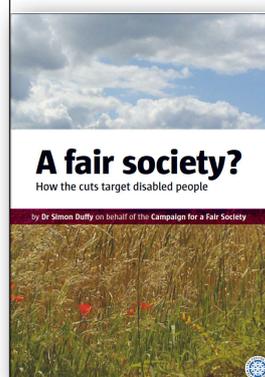
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