

Sir Alistair Graham
Chairman
The Committee on Standards in Public Life
35 Great Smith Street
London
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Dear Sir Alistair

REVIEW OF THE ELECTORAL COMMISSION

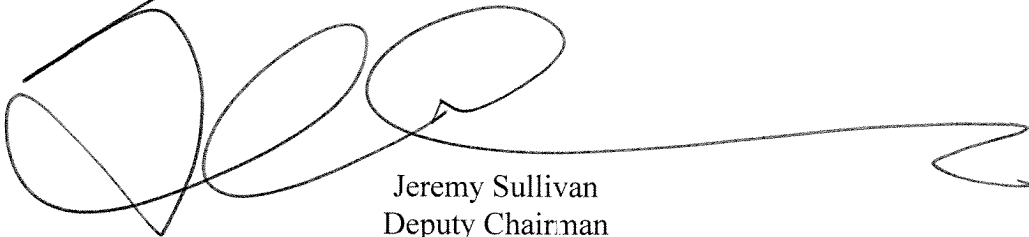
On 13 March 2006, our Secretary submitted written evidence to you in response to the Issues and Questions Paper that you published in February in respect of your Eleventh Inquiry: "A Review of the Electoral Commission".

In your opening comments at the first public hearing in June you said that you had received some written evidence but looked forward to receiving more. Having considered both the written evidence submitted to date, the transcripts of the oral evidence from the hearings conducted in June and July and the Butler/McLean report that you commissioned, we have decided to take up your invitation to put in a further note.

We thought it would be helpful to set out the background to the present position on boundary setting functions as we see it, to correct some associated misconceptions and to offer our own observations and views on the way forward on some of the issues raised. This we have done in the attached submission.

I and my colleagues are grateful to you for the opportunity to submit this further evidence. If you consider it would be helpful, we would be prepared to meet with you to discuss the matters we have referred to.

I have copied this letter and attached submission to our Chairman, the Speaker of the House of Commons, and to the other three United Kingdom Boundary Commissions. Copies have also been sent to Mr Sam Younger (Chairman of the Electoral Commission) and to the Department for Constitutional Affairs (our sponsoring Department).



Jeremy Sullivan
Deputy Chairman

SUBMISSION BY THE BOUNDARY COMMISSION FOR ENGLAND TO THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

The Electoral Commission and boundary work

1. Your Fifth Inquiry "The Funding of Political Parties in the United Kingdom" (Cm 4057, October 1998) recommended the establishment of a United Kingdom Election Commission. In evidence at the time, it was suggested to you that the new body should, among other things, assume the responsibilities of the four existing Parliamentary Boundary Commissions. This suggestion was recorded in Paragraph 11.27 of the Report, which said:-

"This proposal falls outside our terms of reference, and we have neither taken evidence bearing on the point nor considered it in detail. We would only offer the thought that the existing system for the revision of parliamentary boundaries seems to work reasonably well and that to transfer it to the Election Commission might seriously overload that body, whose responsibilities, it seems to us, will be onerous enough as it is. We are not inclined to recommend change."

2. Despite that recommendation, the government made provision in section 16(1) of the Political Parties, Elections and Referendums Act 2000 (PPERA 2000) for the transfer of the functions of the four Boundary Commissions to the new Electoral Commission (UKEC). Moreover, it also made provision in sections 18 - 20 to transfer those of the respective Local Government Boundary Commissions for England (LGCE), Scotland and Wales. To date, only the provisions of section 18, relating to the LGCE, have been put into effect.

Proposal to merge the LGCE and the Boundary Commission for England in 1988

3. Shortly after the 1997 general election, the Department for the Environment, Transport and the Regions (DETR), the LGCE's sponsor department, commissioned Robert Hazell to conduct a quinquennial review of the LGCE. Our predecessors were notified that the terms of reference for the review would include examining the feasibility of merging the Secretariats that supported the LGCE and the Boundary Commission for England.

4. Robert Hazell published his report in March 1998. It went even further and included a recommendation that the LGCE and the Boundary Commission for England should be merged, although he acknowledged the need for legislation to effect such a merger.

5. In July 1998, my predecessor as Deputy Chairman met with the Home Office (HO), then our sponsor department, to discuss Robert Hazell's report, particularly the recommendation that the two Commissions should be merged. HO officials confirmed that the most likely outcome was that the functions of both organisations would be subsumed within a UKEC to be established in response to your Committee's Fifth Inquiry. My predecessor was also advised that the HO considered that the recommended merger would, in all likelihood, not happen until after the completion of the next (fifth) general review. At that point, the fifth general review was scheduled to begin in 1999 and finish in 2005. Later in 1998 the HO invited our predecessors to consider delaying any planned review work. Our predecessors considered the request but decided their next general review should nonetheless commence in 1999. In the event, the start of the fifth general review was delayed until 2000 to allow the LGCE to make further progress with its review of electoral arrangements across England and to enable us to work with an up-to-date ward structure.

6. In September 1998, our predecessors informed DETR and HO officials that whilst they were not opposed, per se, to the recommendation for merger, they did have considerable reservations about the role of a merged English Boundaries Commission. Their concern was not in respect of the boundary setting functions, but about the wider remit of the LGCE. They considered it would be inappropriate for a merged Commission to undertake reviews of electoral areas (both local and parliamentary) to ensure fair and equal representation on the one hand whilst on the other, reviewing the structure and boundaries of local government administrative areas for the purpose of ensuring effective and convenient local government.

7. Our predecessors also expressed concern about another of the recommendations in the report that the LGCE should be able to conduct a continuous rolling review of electoral arrangements throughout England. They felt strongly about this because it would effectively prevent the conduct of a general review of parliamentary seats based on a stable pattern of local government electoral arrangements in England, given that district and borough wards were the widely understood and accepted building blocks for the creation of parliamentary constituencies. Our predecessors considered that without formal (i.e. legislative) co-ordination between the two types of electoral reviews, tensions would be created by conflicting programmes of work. Leaving the merger issue on one side, they considered that without the force of legislation behind the timing of reviews, close consultation between the two organisations would be absolutely essential.

8. In January 1999, the Commission were informed that officials in the DETR were generally in favour of the recommendations contained in Robert Hazell's report. At the same time, HO officials confirmed it was intended to introduce a draft Bill which would give effect to the recommendations contained in the report of your Fifth Inquiry, which would result in the establishment of a UKEC that could include the work of this Commission.

9. In October 1999, following the Commission's consideration of the White Paper and draft Bill which would give effect to the creation of a UKEC, my predecessor wrote to the HO requesting that only the functions of the LGCE should be transferred to the Boundary Committee for England (which was to be established as a statutory committee of the UKEC) because it would have responsibility for reviews of both electoral and administrative boundaries. Again (see paragraph 6 above), our predecessors explained that they considered it would be inappropriate for the new Committee to be responsible for the latter as well as the former. They held two meetings with officials from the HO, one of whom was later to become the Chief Executive of the UKEC, but their concerns on this matter, and on what they perceived to be structural difficulties in the legislation concerning the relationship between the Boundary Committees and the UKEC, were not acted upon.

10. Robert Hazell's oral evidence on 15 June this year suggests his position is little changed from that set out in his 1998 report. We note, however, that whilst he still considers that both the local government and parliamentary boundary setting functions in England should be merged into one organisation, his comments seem to suggest that he does not consider that the merged body should necessarily be located inside the UKEC. Indeed, he implies that the UKEC should only maintain a regulatory role over the merged organisation.

11. At this point, we would like to record the excellent relationship that has been maintained between this Commission and the Boundary Committee for England since it replaced the LGCE in 2002. Apart from the annual meetings, attended by all the Local Government and Parliamentary Boundary Commissions in the United Kingdom, our officials meet as and when required and maintain regular contact about issues of common concern and our respective review programmes. This improved relationship and better communication between the two has been greatly enhanced by a member of this Commission also being a member of the Boundary Committee for England. A common membership arrangement of this kind has also existed, with similar benefits we believe, in Scotland and in Wales.

Joint Secretariats

12. Robert Hazell's report also recognised that it would be possible to merge the two Secretariats without merging the Commissions, but suggested there might be difficulties with such an approach. Experience elsewhere would suggest that merging Secretariats can work well because that is exactly the position which has pertained in Scotland, following a review undertaken by the then Scottish Office Efficiency Unit, since 1999. It is also the same position that has pertained in Wales since 2001. Prior to 2001, the Boundary Commission for Wales was supported by our Secretariat. It was our Secretary who recommended that the Secretariat support for the Boundary Commission for Wales should be provided from a base in Wales and that the most obvious supplier of that service would be the Secretariat that supported the Local Government Boundary Commission for Wales. It is now the case that in both Scotland and Wales the separate Local Government and Parliamentary Boundary Commissions share a Secretariat. We understand from our colleagues that the arrangement works well in both countries, causes few difficulties and has positive advantages – we return to this later. However, we do recognise that the task at both local government and parliamentary levels in England is of a different order of magnitude from those in the other countries as the table below illustrates:-

Table 1: The number of Parliamentary Constituencies and Principal Local Authorities in each part of the United Kingdom

	Parliamentary Constituencies	Principal Local Authorities
England	529	388
Northern Ireland	18	26
Scotland	59	32
Wales	40	22

13. In our view, if it is decided that the provisions of section 16 of PPERA 2000 are not given effect to, and we return to this matter later, the approach adopted in Scotland and Wales is one that would also be both appropriate and very sensible in England. Such an arrangement should be more efficient and more effective and result in cost savings. In his report, Robert Hazell's main arguments for his recommendation to merge the LGCE with this Commission were that it would:-

- help spread the peaks and troughs of the respective review cycles;
- improve efficiency and effectiveness because the review teams would be able to share hard and soft intelligence;

- enable more stable staffing with the retention of knowledge and experience; and
- lead to cost savings.

14. Whilst he saw these potential benefits as justification for merging the Commissions, we consider they actually relate more directly to those that would result from the establishment of a joint Secretariat to quite separate Commissions. In this respect, we note that the written evidence submitted by the Boundary Commission for Wales sets out the cost advantages of joint Secretariat provision. We understand that similar advantages apply in Scotland.

15. We also note that in his original report Robert Hazell considered that the peaks and troughs experienced in the programme of reviews (local government and parliamentary) in Wales would be experienced in England and that merging the two Commissions would help ensure a more even flow of work. When he discussed this aspect with our predecessors, they told him that they did not think a more even flow of review work could be achieved without legislation to adjust the statutory timetable of the two different kinds of review to bring about proper co-ordination. However, even this may prove difficult to achieve given the degree of population growth and population movement currently being experienced in parts of England. As Butler and McLean note, these factors will, undoubtedly, result in a greater need for more regular electoral reviews (both local government and parliamentary) than in other parts of the United Kingdom. This is supported by the fact that the Boundary Committee for England has already announced twenty-two Further Electoral Reviews (FERs) within two years of completing its Periodic Electoral Reviews for the whole of the country. We are also considering the need to conduct two interim reviews that will be necessitated by the FERs.

Staffing a merged Secretariat

16. The Minutes of the Twelfth Meeting of the Speaker's Committee (2 February 2005) record that Peter Wardle (Chief Executive of the UKEC) considered that, upon the transfer of responsibility for reviewing parliamentary constituency boundaries to the four Boundary Committees, the UKEC would need to appoint five members of staff to each i.e. 20 in total.

17. We are not sure where Peter Wardle got his figures from because neither we, nor any of the other Commissions, were consulted on the number of staff to be transferred and only in England would a transfer of that order be appropriate. The numbers in the other three parts of the UK would be a lot less. In England, by the time that our fifth general review has been completed, our Secretariat will have reduced from fifteen full-time staff to just six. If it is decided that the full provisions of section 16 of PPERA 2000 should be given effect to, we would most strongly recommend that all of our remaining Secretariat staff should be transferred. They have a considerable wealth of knowledge and experience relating to reviews of parliamentary constituencies (some with 15 years or more) and, whilst not impossible, it would be far more difficult to prepare for a sixth general review, and for it to be effectively and efficiently conducted, without harnessing that experience.

The Boundary Commissions and the Parliamentary Constituencies Act 1986

18. The four permanent Boundary Commissions in the United Kingdom have been in existence since 1944 when they were first established by the House of Commons (Redistribution of Seats) Act 1944. Each Commission is fully independent of Government, non-political and totally impartial and each has undertaken five general reviews of parliamentary constituencies in the 62 years since establishment. In that time, the four Commissions have been the subject of very limited criticism.

19. We note from the report of your Fifth Inquiry that your Committee considered “that the existing system for the revision of parliamentary boundaries seems to work reasonably well”. Butler and Mclean support this, saying that although boundary reviews have “..... caused trouble and litigation. Yet there has been no scandal or suggestion of partiality by the boundary drawers”. This is clearly a significant endorsement of the manner in which the four Commissions conduct themselves and their reviews.

20. What criticism there has been of our work, and understandably this has largely been from politicians and academics who have a particularly close interest in what we do, rarely, if at all, relates to the manner in which the reviews have been conducted. For the most part, the criticisms relate in effect to the consequences of the complexities and interplay of the statutory rules under which we have to operate. They include issues such as the ratcheting up of the number of constituencies in the United Kingdom Parliament (currently 646), the length of time it takes to review constituencies (currently 529 in England), the balance to be struck between the equalisation of electorates, community identity and the breaking of local ties and that we are required to conduct our reviews on electoral registers that are considerably out of date by the time our recommendations are implemented at a general election.

21. We can, of course, only conduct our reviews under the terms of the legislation enacted by Parliament. The problems referred to above result from the legislation and, in particular, from the need to have regard to the “Rules for Redistribution of Seats” which are contained in Schedule 2 to the Parliamentary Constituencies Act 1986 (as amended).

22. We have considerable sympathy with much of the criticism that has been made in respect of the application of the Rules as they currently stand. It is significant that at the very first public hearing on Tuesday 13 June 2006, Dr Michael Pinto-Duschinsky touched on some of the difficulties relating to the setting of parliamentary constituency boundaries. Importantly, his criticism was balanced by the recognition that the difficulties result from the in-built problems with the legislation. Other respondents also referred to these problems in their evidence and Butler and McLean do so in their report.

23. The House of Commons Home Affairs Committee conducted an inquiry into the present rules and procedures for the redistribution of seats and reported in February 1987 in their Second Report of Session 1986-87 (HC 97-1). No legislative opportunity was found to give effect to their recommendations.

24. Since then, this Commission and its Secretariat have been involved in three reviews of the rules. On two occasions submissions were made to officials at the HO (our sponsoring Department at that time). Again, no opportunity was found for the necessary legislative changes, despite the passage of the Boundary Commissions Act 1992 and PPERA 2000, both of which would have provided a suitable vehicle to enact them.

25. One of the outcomes from the annual meeting of all the Boundary Commissions in January 2005 was another review of the rules led by our Secretary which involved the other three Parliamentary Boundary Commissions. The outcomes from this review were presented to the UKEC in April 2005. The review was referred to in both the written and oral evidence submitted by the Boundary Commission for Northern Ireland. The report of our fifth general review which we expect to submit in the autumn will repeat, yet again, the concerns expressed by our predecessors on the rules.

26. Most recently, the four Boundary Commissions were represented by their Secretaries at a one day seminar led by Professor David Butler and Professor Iain McLean at Nuffield College, Oxford. We understand that they organised the seminar to inform the research project they had been commissioned to carry out on your behalf as part of your Committee's Eleventh Inquiry. Whilst it was without doubt a very useful first run through the issues and helped them to firm up some of the recommendations now contained in their report, we do not consider that it can possibly replace full and proper consultation on the legislation and related issues involving all of those with expertise in the field.

27. We note that section 6(1)(c) of PPERA 2000 enables the UKEC to keep under review, and submit a report to the Secretary of State, on the law relating to the redistribution of seats at parliamentary elections. We believe that the UKEC should conduct such a review as soon as possible, consulting widely, so that legislative change can be enacted before the conduct of the sixth general reviews. We would be very willing to contribute fully to such a review.

The Political Parties, Elections and Referendums Act 2000

28. Section 14 of PPERA provided for the UKEC to establish a Boundary Committee for each part of the United Kingdom: so far it has done so only for England and even then only in respect of local government boundaries. That is because although section 16 of the 2000 Act provides for the transfer of the functions of the four Parliamentary Boundary Commissions to their respective Boundary Committee, this provision has not yet been put into effect. The Commissions continue to exist as separate bodies operating under the Parliamentary Constituencies Act 1986, as amended by the Boundary Commissions Act 1992.

29. As explained above, section 18 of PPERA that provided for the transfer of the functions of the Local Government Commission for England to the Boundary Committee for England, was given effect to on 1 April 2002. Sections 19 and 20 of the 2000 Act similarly provide for the transfer of functions of the Local Government Boundary Commissions for Scotland and Wales, respectively, even though they are devolved functions in those countries. These provisions have not yet been effected and we are aware that there is much opposition to the prospect in both countries. Moreover, if PPERA was put into effect only in respect of parliamentary constituency boundaries, splitting the secretariats in Scotland and Wales could be seen as undoing all the good work of the last few years in terms of the vertical integration of boundary setting and as such could be said to be a retrograde step.

The devolved administrations

30. Our understanding from discussions with those involved in reviewing local government boundaries in the United Kingdom, is that there are currently no plans within the devolved administrations for the local government boundary setting functions to be transferred to UKEC Boundary Committees in respect of those parts outside England.

31. We note that the written evidence from the Boundary Commission for Wales confirms that the continuation of the Local Government Boundary Commission for Wales, as an Assembly sponsored public body, suggests strongly that the original proposal under PPERA 2000, for the transfer of the functions of that body to the Boundary Committee for Wales, is no longer appropriate.

32. We also note that the Boundary Commission for Wales consider that it would be an odd situation if on the one hand the Government of Wales Bill (now an Act) were to devolve increased powers to the Assembly whilst, at the same time, PPERA 2000 reversed that process in terms of the review of local government and Assembly boundaries.

33. The written submission from the Boundary Commission for Northern Ireland also raises some interesting points and appears to cast doubt on whether the provisions of section 16 of PPERA 2000 should be given effect to in that part of the United Kingdom.

The Government's view

34. We note with interest from the written evidence that the Government now believes that it is entirely right for the responsibility for decisions on local government electoral arrangements in England to be wholly in the hands of the UKEC, in order to maintain public confidence in that process.

35. We do not understand why it follows or is considered necessary for local government boundary functions to be with the UKEC "to maintain public confidence". There are other ways of doing that which would have the same effect without involving the UKEC. Indeed, reviews of local government electoral arrangements in both Scotland and Wales are outside the control of the UKEC, are likely to remain so at least for the foreseeable future and do not, as far as we are aware, lack public confidence. As we recall it, any lack of public confidence in the work of the LGCE, the Boundary Committee for England's predecessor, related solely to its work on the shire county structural reviews of the early/mid-1990s, not to its boundary setting role. In the late 1990s/early 2000s, under the Chairmanship of Professor Malcolm Grant, the LGCE's reputation improved greatly and public confidence in the electoral boundary setting process did not seem to be an issue. This might be said merely to reinforce the view that our predecessors took about the proposal to combine all boundary functions – parliamentary and local government – in a single Committee that would also be responsible for administrative boundary matters and major structural reviews (see paragraph 6 above).

36. We note in fact that the Government considers that the current wide public support, in respect of the review of electoral arrangements, does not apply to the UKEC or its Boundary Committee's role in relation to local government reorganisation or large scale boundary change. Again, this could be said to support the concerns that we expressed to HO officials in 1998 and again in 1999 (see paragraph 9 above). Work on local government structural boundary issues has inevitably proved quite controversial in the past and if both local government and parliamentary boundary functions were to be combined in one body that was also responsible for those issues, it would need to be handled with great care so as not to compromise the reputation of those involved in setting boundaries.

37. We also note that the Government merely confirms in paragraph 32 of its written evidence that “there remains a possibility” that the UKEC will eventually assume responsibility for parliamentary boundary reviews and that in her oral evidence the Minister confirmed that the Government retained an open mind on the question of the transfer of responsibility and would await your recommendations.

Conclusions

38. It is clear from the evidence, written and oral, you have received to date that respondents are using the opportunity provided by your review to raise a variety of issues on boundary setting matters. They include some very fundamental concerns about a range of matters, including, for example, the statutory rules under which the parliamentary boundary commissions operate. As we have made clear above in setting out the background to the present position, we ourselves have concerns about many of these issues. We would, for example, like to see changes to the rules at the earliest opportunity. Nor are we convinced that the implications of many of the other issues to do with relationships and the responsibility for boundary matters have been fully thought through, particularly following devolution.

Devolution and the UKEC

39. At a time when the impacts of devolution are still working their way through and being assessed it could be argued that it is paradoxical that there are calls for local government boundary setting functions to be given to a UK-wide body. We have no doubt that there needs to be uniform rules for reviewing parliamentary constituencies across the four parts of the UK, but we are not convinced that this need be so at local government level. Local situations in each of the four countries are very different. Moreover, if it is decided not to transfer the boundary setting functions of Northern Ireland, Scotland and Wales to the UKEC, it would seem somewhat odd, anachronistic even, that the UKEC should have responsibility for those of England alone.

40. Given the sensitivities of devolution, we believe that it would be wrong to “delegate” responsibility for such issues to what are seen by many as little more than sub-committees of the UKEC with very limited status and influence. We are therefore of the view that the UKEC should now be divested of its current responsibilities for local government boundary matters in England, with that responsibility being returned to a body like the LGCE. We accept that the re-establishment of such a body in England will require legislation. However, that could result from a considered review of the legislation facilitated by the UKEC under the provisions of S.6(1)(g) of PPERA 2000, which we believe should be carried out with some urgency. We have referred to the need for such a review above and believe that any resulting proposals to amend or replace the Parliamentary Constituencies Act 1986 would also provide the ideal opportunity to legislate to recreate a body to carry out local government boundary setting functions in England.

The role of the UKEC

41. There now appears to be considerable doubt, which we share, as to whether the UKEC should have any involvement in the conduct of boundary reviews in any part of the United Kingdom. It is a view which also now seems to be espoused to some degree by the UKEC itself. That first began to emerge when representatives of the UKEC gave oral

evidence to your Committee on 13 June; when responding to your enquiries about the transfer of boundary functions they gave more than a hint of reluctance to inherit the functions of the four parliamentary boundary commissions. They have since firmed up that view. In the middle of July, they wrote to us and to other stakeholders seeking our views on a way forward. In that letter, entitled “The Electoral Commission: future direction”, they now consider they should provide only a strategic framework for all boundary setting with the actual reviews (local government and parliamentary) being conducted by a single boundary commission in each part of the United Kingdom.

42. We agree that there is a need for a UK-wide body to maintain oversight of the framework within which the parliamentary boundary commissions operate. We would expect such a body to maintain an overall regulatory role with a remit which includes keeping the boundary setting rules and legislation under review and driving electoral change. As importantly, we would expect it to ensure a consistent approach to the conduct of the review of parliamentary constituency boundaries across the United Kingdom.

43. We do not see the need for the creation of a new body to do that and we would have no problem with the UKEC fulfilling that role. But whatever the UKEC’s final role may be, we strongly believe that it should not get involved in boundary setting functions per se. We do not see the need for it to be involved in “approving” or “second guessing” the work of independent bodies carrying out boundary reviews, whatever the status of those latter bodies.

The Boundary Commissions (Local Government and Parliamentary)

44. It is our view that the status quo, whereby each part of the United Kingdom retains separate bodies reviewing local government and parliamentary boundaries, should be maintained. We do not think it would be appropriate for each part of the United Kingdom to have one combined commission which considers both types of boundaries. The current situation has worked well for many years and our experience in England is that it has significantly improved with the regular contact between the two organisations that has been maintained since the late 1990s and with the current common membership arrangements.

45. We firmly believe that at the parliamentary level there is a need for the body carrying out reviews to have the status, integrity, and resources to get on and do its job without fear or favour. It needs to be genuinely independent and to be seen to be so. Given both the nature of its role and the main stakeholders involved, there should be no risk of its getting caught up in anything that would affect the public perception of its independence, impartiality and fairness. Some of these arguments could be said to apply at the local government level, but we consider that there is a marked difference between the two. The difference is also reflected in the very different composition of the membership of the two commissions. Given the complex nature of the statutory rules and the fact that its recommendations are subject to detailed scrutiny at public inquiries, the parliamentary boundary commission requires a membership with a strong legal background and one member having at least some experience of local government.

Joint Secretariats

46. We readily accept that there will be many advantages to be gained by having one joint Secretariat supporting both the local government and parliamentary boundary commissions in England. It is our view that the single Secretariat should be housed at arms length from

Ministers - ideally in a non-Ministerial Department as ours currently is - so that it does not have to create corporate departments and appoint staff to them. It would then benefit from the efficiencies and cost savings that would result from not having to provide its own back office functions like accommodation, IT, Human Resources etc, even though it would have to reimburse the organisation in which it was lodged for those services.

Common membership

47. With the retention of separate local government and parliamentary boundary commissions, we recommend that they should have at least one member who has joint membership of both, as is currently the case in England, and has been in Wales and Scotland, to help improve the communication and cross fertilisation that is vital between the bodies to ensure greater co-ordination of reviews.

Process and procedure

48. Much has been said about the length of time it takes to complete each general review of parliamentary constituencies in England. In this respect it is worth noting that in the case of the fifth general review in Scotland it took two years to consider the 59 constituencies whilst in England it will have taken seven years for the 529 constituencies. It has also been said that giving responsibility to the UKEC for all the boundary commissions will somehow circumvent the time taken. We have little doubt that reviews of parliamentary constituencies could be completed more quickly and have ideas of our own about how that might be done, but to believe it is that simple, is to labour under a number of misconceptions about why they do take so long. For instance, it has nothing to do with the fact that the Deputy Chairman of each Commission is a High Court Judge.

49. As Butler and McLean suggest, the main reason for the delay is the way in which the legislation and the statutory rules impact on how things are done. Additionally, public inquiries have become more complex, because the main political parties have put more time and effort into them: they have devoted more resources into marshalling their forces and getting across their case. The key in future is going to be getting the balance right between trying to increase public engagement in the process within a realistic timescale.

50. The use of Geographic Information Systems (GIS) may make a major difference in the longer term about the way in which boundaries at all levels are drawn up. It will probably have an impact too, on the procedures and could radically change the whole review process. It is worth mentioning that our Secretariat have been using GIS in the review process since 1993. However, it will be a while yet before it becomes possible to use GIS as a boundary setting tool across England and in the meantime we believe that we should continue to use local government wards as the widely accepted and understood building blocks for parliamentary constituencies. We note that one of the findings from the recent Electoral Review Evaluation published by the UKEC in July 2006 is that the requirement placed on the Boundary Committee for England to produce three-member wards in metropolitan areas should be repealed. If acted upon, it would remove one of the few difficulties we experience in using wards as building blocks for constituencies.

Appointment of Electoral Commissioners and Deputy Electoral Commissioners

51. Should you decide, having considered all the evidence submitted to you, to recommend that the functions of the four Boundary Commissions should still be transferred to the respective UKEC Boundary Committees, we would remind you of the concerns set out by our Secretary in his letter of 13 March about the restrictions on who may be appointed as Electoral Commissioners and Deputy Electoral Commissioners to the UKEC. We consider that above all, and whatever organisational arrangements are put in place, it is essential that confidence in all boundary setting bodies is maintained and that the public believe them to be truly independent and non-partisan.