

COMISIWN FFINIAU LLYWODRAETH LEOL I GYMRU
LOCAL GOVERNMENT BOUNDARY COMMISSION FOR WALES

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Dr Richard Jarvis
Secretary
The Committee on Standards in Public Life
35 Great Smith Street
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16 October 2006

Dear Dr Jarvis,

The Eleventh Inquiry: the Electoral Commission

Further to my letter of 14th July my Commission has given some initial consideration to the range of options that may emerge in the event of the parliamentary boundary activities remaining outside the original proposals contained in PPERA. As I indicated to the Committee during the Public Hearing held in Cardiff on the 6th July, the arrangement whereby the Secretariat for this Commission also acted for the BCW has worked very well indeed. In one sense, my Commission would be content for this arrangement to continue. However we also recognise that in the circumstances of the Electoral Commission ceasing to have responsibilities for boundary making activities, action will be necessary to remove the Boundary Committee element from the Electoral Commission and for it to be placed elsewhere. It is possible that several models may emerge and we look forward to hearing from the Committee how you see the way forward. Of course, the size of the task in England (both Local Government and Parliamentary) is of a different magnitude to those in Northern Ireland, Scotland, and Wales, which mean that reviews in England frequently overlap and because of that Parliamentary reviews rarely take place on a settled pattern of local government and, by necessity, usually have to be followed by interim reviews.

One obvious model would be for four independent Commissions responsible for both local government and parliamentary boundaries. The difficulty here as it stands, would be that in Wales and Scotland, the Commission would have to look in two different directions for the separate operational areas. The focus for the local government reviews is on effective and convenient local government whereas for the parliamentary activities the emphasis is upon achieving electoral parity. These two concepts are not necessarily harmonious. Additionally, the present membership requirements for each Commission are very different with the Parliamentary Commission having Mr Speaker as the Chairman together with the requirement for the deputy Chairman to be a High Court Judge. The Local Government Commission does not have a similar requirement except the need for members who are entirely independent of political affiliation.

An alternative model would be to establish four common Secretariats on a formal basis. That would provide greater clarity in respect of the funding arrangements. There is considerable amount of "soft" knowledge that is known by secretarial officials which considerably enhances the work undertaken and such an arrangement would ensure that this knowledge can be maintained by each organisation without there being a danger of it being lost through staff wastage. The main danger of knowledge loss comes from the cyclical nature of the activities of each commission and through the down sizing that would be necessary at the end of say, a parliamentary review. A joint arrangement enables staff to be maintained and knowledge passed on within the organisation. There would be particular benefits for the England arrangements and also for Northern Ireland through such action. Adopting the present practice of having a link at Commissioner level through a joint appointment has merits.

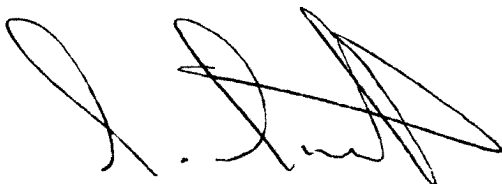
parliamentary Commissions with the Electoral Commission on this issue and, some suggestions were made concerning possible improvements to the Rules. It does not appear that the Electoral Commission felt able to develop proposals for Rules changes. This really needs to be done. Moreover, it is now an opportune moment for there to be a full review of the legislation that could be completed before the time arrives for the Sixth review to commence. In view of some of the comments made in the evidence presented to your Committee, there is a need to endeavour to reduce or eliminate anything that causes unnecessary delays to the process of boundary making. This is particularly true concerning the extent of consultation that takes place and I am sure that a review of this nature could lead to a streamlining of the process.

Perhaps an alternative approach would be for the Speaker's Committee to instigate such a review. I have noted the comments made in the Research undertaken for the Committee by Butler and MacLean concerning the Rules. I recall that on previous occasions, when an impartial review of matters such as electoral law have been required, a Speaker's Conference has been established. I believe that the last occasion was in 1978. There was certainly one in 1944 - which considered over-representation in Scotland and Wales. The 1944 Conference resolved not to reduce the number of seats in either Scotland or Wales and to establish a separate Boundary Commission in Wales.

However, a Speaker's Conference would normally involve MPs and this may not necessarily be quite the best route forward. The reason for this is that I believe that the issues are extremely complex and such a review process for the Rules would benefit by being lead by an experienced QC. My preferred option would therefore be for the Speaker's Committee to commission such a review and for the outcome from this to be ultimately presented to Parliament via this route.

I hope that my comments will assist in assessing the best route forward in what is a very complex process. I will copy this letter to Mr. Speaker for his information.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. G. Smith', written in a cursive style.

Susan G. Smith LLB