

Why are Labour Lords keeping their peers up late? Opposition to the coalition's plans for fewer MPs and more equal constituencies

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The government's Parliamentary Voting System and Constituencies Bill was devised with no consultation by the two coalition parties, marrying together Liberal Democrat demands for a referendum on the Alternative Vote (AV) with Tory plans to equalize constituency sizes and put a stop to their disadvantage viz a viz Labour. But in the House of Lords this lack of consultation on key constitutional changes has now legitimated the first ever serious attempt at a filibuster in the House of Lords by Labour peers trying to force concessions. [Ron Johnston](#) explains why redrawing boundaries and cutting the number of MPs has become such a red hot issue.

Peers in the House of Lords will have several late nights this week as they debate the *Parliamentary Voting System and Constituencies Bill*, which was passed through the House of Commons with little amendment last October. A substantial number of amendments have been tabled which may [delay](#) the proposed timetable – if the referendum is to be held on 5 May, then the Bill must be returned to and accepted by the Commons and receive the Royal Assent by mid-February.

The main changes proposed in the Bill, and covered in my [previous blog](#), are:

- a reduction in the number of MPs from 650 to 600;
- all constituencies in the UK (with two exceptions: the Western Isles and the Orkney & Shetland Isles) to have an electorate within 5 per cent of the national UK electoral quota of c.76,000;
- the next redistribution to be completed by October 2013.

Source: House of Lords/Parliament



The number of MPs

The proposed reduction in the number of MPs could have a substantially greater impact on Labour than on the Conservatives in the next general election. Of the 50 seats to disappear, 20 will be outside England (three in Northern Ireland, seven in Scotland, and ten in Wales). Labour is by far the stronger of the two in Scotland and Wales, and it is difficult to see

less than half of the seventeen-seat reduction there being of seats that Labour won in 2010; it could well be as many as ten, with the remainder split between the Conservatives, the Liberal Democrats, and the relevant nationalist parties.

In England, some of the 30 seats to go will be in London and the large cities, where again Labour is stronger than the Conservatives – so again there are likely to be more current Labour than Conservative MPs whose seats could disappear in 2013.

The Conservatives will not be totally protected from this trend, because they are the predominant party in some regions and the losses there could affect them. Thus the Tories could lose a few seats in the East Midlands and the East of England, for example.

Similarly, the LibDems could lose seats in their heartlands – such as Cornwall, Devon and Somerset – where two or three seats may go. They could also lose where they have isolated pockets of support allowing them to win seats – as with Berwick-upon-Tweed. Larger constituencies will mean they have to extend their campaigning activities to wider areas, and their relative paucity of resources may make it difficult for them to keep their hold on such areas.

Labour is clearly being at least partly self-interested in resisting dramatic equalization – though they claim to be doing so because of how it is being done. The party says it will accept the principle of greater equalisation. Thus there is resistance to the reduction in the number of MPs, not just because such an important constitutional change has not been subject to detailed scrutiny (the Bill is being rushed through) but also because of the impact on [Wales](#) in particular; some amendments seek to guarantee a minimum number of MPs there – at least until the details of devolved powers have been resolved.

The Tories' rigid requirement that no constituency be less than 95 per cent of the average population size, nor more than 105 per cent, is also questioned. In the past, the Boundary Commissions have been reluctant to cross major (i.e. county, London borough) boundaries in the allocation of seats (though they have recently paired some London and metropolitan boroughs to avoid great discrepancies around the English electoral quota) and have refused to split local authority wards, which have been deployed as the basic building-blocks for constituencies.

To ensure that no constituency – with the few exceptions in Scotland – has an electorate more than 105 per cent or less than 95 per cent of the UK quota of around 76,000, almost all local authority boundaries will have to be crossed in Scotland, Wales and Northern Ireland, as will most of the county and borough boundaries in England; a substantial number of constituencies will combine parts of two or more authorities. This will create difficulties for electoral administrators and MPs, and potential confusion for voters, and so calls have been made to relax the constraint. In addition, throughout Scotland and in many (especially urban) parts of England and Wales, wards will have to be split into smaller units because their populations are too large to fit within the constraints – further compounding the difficulties for all involved.

Some Lords amendments call for a change to allow perhaps a range of 90 to 110 per cent of the quota would help, so the Labour and critics' argument goes. Not only would the Commissions' tasks be made easier but it would be more feasible for the pattern of constituencies to reflect local community ties. It would also mean much less splitting of local authority areas and wards (outside Scotland).

Public consultation

Under the rules that the Boundary Commissions have worked to since 1958, they have had to hold Public Inquiries where there have been objections to their provisional recommendations; interested parties have been able to challenge those recommendations and suggest alternatives that the Commission might then accept. Such Inquiries have been dominated by the political parties since 1990, arguing strongly for alternative configurations within a local authority area that better meet their electoral interests, although other local groups have been able to influence the Commissions in some cases.

The current Bill prohibits the holding of Public Inquiries. Interested parties have 12 weeks (instead of the current four) to submit representations, which the Commission must then consider. Numerous examples have been cited by opponents of this perceived deleterious change, showing

how in the past Commissions' provisional recommendations have split communities and the evidence presented at Public Inquiries has enabled better configurations to be promoted and accepted.

Without Inquiries, everything would depend on the written submissions (and as the Bill is currently written there is no requirement for the Commissions to publish those written submissions, let alone for interested parties to comment on what others have submitted). Transparency and credibility would be lost, hence the arguments being debated in the Lords this week to reinstate Inquiries – and, of course, Labour has been very effective at the last two reviews in arguing for changes at Inquiries that promote its electoral prospects.

Timing issues

There is considerable disquiet about the government's proposed new timetable. If the Commissions (in effect, only the English) have taken 6 to 7 years in the past to conduct a review, critics argue that asking them to do it in less than three years in the first instance, and no more than five thereafter, is speeding the process up too much (although without Inquiries the time demands would be significantly reduced). How can the Commissions do a proper job in such a short period? The Commissions have said they can work to the timetable – assuming that the resources are available.

The Conservatives' reason for frequent reviews is that this will remove Labour's growing advantage, which occurs as constituencies age and electoral variations increase. The 2010 election was fought in constituencies defined using 2000 electoral data in England and Wales, as the 2015 election will also be if the new timetable is not imposed. Regular redistributions will stop that.

But it will also remove continuity, which many MPs and others value: if boundaries are redrawn every five years, then many MPs could find that their constituencies change markedly between elections – if not disappear. So MPs could spend much time during a Parliament in seeking a new constituency and building a relationship with a new set of electors, rather than looking after their existing ones.

Against this it is argued that reviews every five years could mean minor changes only. That may be so. But if one area either gains or loses a few thousand voters, this could not only affect the constituencies there but ripple through a much larger area as neighbouring constituencies have to be adjusted to ensure that all fall within the 95-105 per cent constraint. The entire map of one of the three smaller countries may have to be redrawn if its entitlement changed by even one seat.

Electoral data

Finally, there is the issue of the data on which constituency definition depends – the number of electors in each country, local authority, ward and polling district. Electoral registration is poor in the UK – especially some parts of it, and particularly since the 1990 Poll Tax debacle. The Electoral Commission estimates that at least 3.5 million people eligible to be on the electoral rolls are not. The young, students, private renters, ethnic minorities, and recent movers dominate that total. A majority of them live in urban areas – Labour strongholds; in some parts of London 30-50 per cent of those 18 and over are estimated not to be on the electoral roll.

Hence Labour argues strongly that defining new constituencies based on old-style December 2010 electoral data will greatly disadvantage it. If all those 3.5 million missing electors were enrolled (assuming they would all qualify as UK electors), there would be a very different distribution of constituencies. More MPs would represent the big urban areas, hence giving less advantage to the Conservatives from the new constituency map. So Labour's case is that the

redistribution should be delayed until a more accurate electoral roll is available.

But Northern Ireland experience with individual registration does not suggest that the switch – planned for 2015 – will necessarily produce a more complete roll.

Greater scrutiny needed

Labour would be prepared to separate redistricting issues – around retaining the present number of MPs, widening the range of constituency electorates, reinstating Public Inquiries, and ensuring that the exercise use better data based on a more comprehensive enrolment procedure – from the other part of the Bill from that facilitates holding the AV referendum this May. But that would mean the Liberal Democrats getting their part of the coalition bargain, but not the Tories, who have been committed to equalization for some years.

These issues are not straightforward to resolve. Although Labour's determination to amend and delay the Bill in part reflects their fear of losing an electoral advantage that they have enjoyed for more than 50 years, nevertheless many of their arguments are based on reasonable foundations.

- Should the number of MPs be reduced without full appreciation of the likely impact?
- Should electoral equality be so all-important and over-ride the representation of distinct communities?
- Should the Westminster map be redrawn every five years, thereby in some areas at least destroying the continuity of MP-voter links that many people see as lying at the core of representative democracy? And
- Should such a fundamental exercise be based on flawed data?

If you answer 'No' to one of more of the above questions, then you may well think that Labour peers are right to insist on greater scrutiny of the Bill that the timetable allows, and that they are legitimately pressing their colleagues in the Lords to fulfill their proper role as a revising chamber.