LOCAL INQUIRIES OR PUBLIC HEARINGS: CHANGES IN PUBLIC CONSULTATION OVER THE REDISTRIBUTION OF UK PARLIAMENTARY CONSTITUENCY BOUNDARIES

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The UK government undertakes a variety of public consultation procedures during the implementation of a range of policies, some of which involve public hearings with varying formats. In 2011 it proposed a major change to such procedures used in the redistribution of Parliamentary constituency boundaries. Local Inquiries were deemed ‘not fit for purpose’ and eliminated, because they were lengthy and dominated by the political parties seeking electoral gain. This change was opposed in Parliament and an alternative procedure introduced involving Public Hearings which were to be shorter and less conflictual than the Local Inquiries they replaced. The Hearings for the first round of redistributions under the new procedure have now been held. This article assesses whether they were any ‘fitter for purpose’; there was very little participation by the general public and, as before, the proceedings were dominated by the political parties.

INTRODUCTION

Consultation … is based on an assumption that the incorporation of citizen input into the deliberations of elected decision makers will lead to better decisions and increased legitimacy for policy outcomes. (Catt and Murphy 2003, p. 418)

All UK political parties and governments frequently state their intention to have greater public involvement in aspects of policy development and implementation. Some of those consultation exercises involve publicly-convened Inquiries, which are also often demanded when a problem emerges involving less than complete transparency in decision-making.

Public Inquiries take a variety of forms (Wraith and Lamb 1971, p. 305). Most public and media attention is paid to those commissioned ad hoc to investigate some policy or administration failure (see, for example, Sedley 1989; Howe 1999; Public Administration Select Committee 2005; Sulitzeanu-Kenan 2006). Others are required as part of the decision-making delegated to a standing body. Catt and Murphy (2003) identify these as performing one or more of three roles: deliberating over an issue to produce a synthesis of the related arguments that can lead to an acceptable solution; providing a public forum where evidence is presented and contested before a synthesis is attempted; and collecting information on a proposal from interested parties. Those invited to give evidence should involve all members of what Catt and Murphy (2003, p. 410) term the ‘community of fate … that segment of the population most likely to be impacted by the policy in question’, although – as Cotgrove and Duff (1980) noted – such interest groups may dominate the proceedings.

The transparency of such Inquiries has been the norm for over half a century in the regular redistributions of Parliamentary constituency boundaries. The Boundary
Commissions were required to publish their provisional recommendations for new constituency boundaries for public scrutiny and, where these were criticized, to hold Local Inquiries at which their merits and demerits could be debated publicly, along with those of alternative schemes, before the Commissioners made their final recommendations – thus incorporating all three of Catt and Murphy’s roles. The coalition government proposed in 2010 to eliminate such Inquiries as not ‘fit for purpose’, however, replacing them with a consultation system involving written representations only. This was strongly resisted during Parliamentary debates, and to assuage its critics the government partly recanted, replacing Local Inquiries by shorter, less confrontational Public Hearings, at which evidence could be presented but not contested. The first set of such Hearings took place in late 2011–early 2012. This article asks whether they were any ‘fitter for purpose’, based on the authors’ attendance at many of the Hearings, a full reading and analysis of all of the transcripts, and discussions with both the political party officials involved and the Commission secretariats.

The change to Public Hearings was substantial. The previous Local Inquiries were open-ended in length, had no restrictions on any individual’s speaking time and, because cross-examination was allowed, were arenas for considerable debate about alternative schemes. The Assistant Commissioners who chaired them, and reported to the Commissions (with, if they wished, recommendations for changes to the proposed constituencies), experienced a testing of the evidence. The replacement Public Hearings were to be considerably restricted. Their number and length were predetermined, so that the extent of individual contributions would probably have to be curtailed. Furthermore, the guidelines for their conduct made clear that there was to be no cross-examination or debate: questions could be asked of witnesses for clarification only, at the chair’s discretion. The events were to be more ‘user-friendly’ and encourage public participation in a less hostile environment than previously. Whereas the Local Inquiries were major debating arenas, therefore, their replacements offered little more than a ‘hearing’ for views to be taken into account in later, closed, deliberations; the hearings were to fill just one of Catt and Murphy’s (2003) three roles. But did the two differ markedly, or were the Public Hearings, like the Local Inquiries, dominated by those who had most to gain and lose from any proposed set of new Parliamentary constituencies – the political parties?

BOUNDARY COMMISSION LOCAL INQUIRIES IN THE LATE TWENTIETH CENTURY

Between 1944 and 2007, six constituency redistributions were undertaken by the four UK Boundary Commissions (for a full history of the Boundary Commissions, see Rossiter et al. 1999). They were required to produce separate recommendations for each major local government area (basically counties and London boroughs), although a few small adjacent local authorities were combined. The Rules for Redistributions were imprecise and gave the Commissions considerable flexibility in balancing various factors: regarding size, for example, all constituencies had to have electorates ‘as near the electoral quota [the average electorate for the country concerned] as is practicable’ having regard to other rules relating to local government boundaries, community ties, the inconveniences that changes might generate, and special geographical considerations (Johnston and Pattie 2012).

After the 2005 general election, the Conservatives determined to change those Rules because they felt significantly disadvantaged by their operation. In 2001, for example,
Labour obtained 62.5 per cent of the seats with 40.7 per cent of the votes, whereas in 1992 when the Conservatives won with 41.9 per cent of the votes, they gained only 51.6 per cent of the seats. Academic research established the extent of this pro-Labour bias: if the two parties had obtained equal shares of the votes at the three elections in 1997, 2001, and 2005, Labour would have obtained 82, 142, and 112 more seats than their opponent, respectively (Johnston et al. 2001; Johnston and Pattie 2011c). Part of this bias was associated with variations in constituency electorates (Borisyuk et al. 2010; Johnston et al. 2009): in 1997, for example, the average electorate in seats won by the Conservatives was 70,441, whereas for Labour it was 66,740. That difference tended to grow as a result of population movements: in 2005, when the same constituencies were used again (except in Scotland), the average electorate in Conservative-won seats had increased to 72,950, whereas in those won by Labour it was 66,802. By making electoral equality the paramount criterion and requiring a review every five years, the Conservatives expected to reduce Labour’s advantage (Johnston and Pattie 2012). The Liberal Democrats accepted this as part of the 2010 coalition agreement – in return they got (in the same Act) a referendum on changing the voting system – and Labour, unsurprisingly, opposed the changes.

The Conservatives also decided to change the public consultation procedure, in part because this too was believed to have favoured Labour and in part to facilitate the new timetable. Local Inquiries had been made mandatory in 1958 if, after publishing a recommendation for altering a constituency, a Commission...

... receive[d] any representation objecting to the proposed recommendation from an interested [local] authority or from a body of electors numbering one hundred or more. (Clause 4(2))

The political parties increasingly used those Inquiries to advance their electoral interests by promoting alternative constituency configurations. The conventional wisdom was that the Conservative party benefited by up to 20 seats from each redistribution because of the elimination of small constituencies in declining inner-cities, most of which returned Labour MPs. Labour gave a party official the task of developing a strategy for the Review scheduled for the early 1990s: its most important objective was to develop a proposed set of constituencies for each local government area that would maximize the party’s number of winnable seats, and to build a consensus behind these with local parties to ensure that they attracted maximum local support at the Local Inquiries (Rossiter et al. 1999, pp. 248–51). This strategy was extremely successful, with Labour possibly benefiting by 12–20 seats (Butler and McLean 1996, p. 16; Rossiter et al. 1997). The Conservatives were outflanked by Labour then, having complacently believed that they would benefit with a net gain of 12–20 seats. They were ready to combat Labour’s tactics at the next Review when many of the Local Inquiries were more conflictual and partisan than their predecessors.

From the 1980s on, therefore, the two largest political parties in effect hijacked the public consultation process, and especially the Local Inquiries, for their partisan ends. Although some local community groups and individuals appeared, they were minority voices and their arguments – not surprisingly usually less sophisticated than the parties’ – seldom significantly influenced the Assistant Commissioners, except for minor changes which reflected community ties but were unlikely to have substantial electoral consequences for any party.

The Inquiries dominated the public consultation procedure. After publication of provisional recommendations for an area, parties had only four weeks for written representations, which was a short time in which to compare them with a their preferred
TABLE 1 Local Inquiries held in England during the Fifth Periodical Redistribution

<table>
<thead>
<tr>
<th>NC</th>
<th>London boroughs</th>
<th>Metropolitan counties</th>
<th>Non-Metropolitan counties</th>
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<td>H</td>
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<td>1–5</td>
<td>8</td>
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<td>6–10</td>
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<td>11–15</td>
<td>0</td>
<td>0</td>
<td>3</td>
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<tr>
<td>16–20</td>
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<td>21–25</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>11</td>
<td>5</td>
<td>10</td>
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NC, number of constituencies; H, Inquiry held; NH, Inquiry not held.

configurations, to develop a coherent argument if they wished to promote change, and to mobilize local support behind their alternatives. Many written representations were simply holding statements, therefore, submitted to ensure an Inquiry where the oral arguments and alternative configurations (with supporting tabled documentation) often differed substantially from earlier written representations. Those oral arguments and counter-arguments dominated the Assistant Commissioners’ reports and recommendations to the Commission.

The number and coverage of the Boundary Commission for England’s Inquiries during its Fifth Review (2000–07) is shown in table 1. Of the 66 Inquiries held, 26 covered areas containing five constituencies or fewer and only 13 covered 11 or more. An Inquiry was not required in only 16 areas, none containing more than three proposed constituencies. Most Inquiries were short – 29 were completed within one day and a further 23 in two – but there were several long ones (taking 9, 10, and 12 days, respectively).

The Inquiries’ conflictual nature and partisan domination led some commentators to doubt their value as exercises in public consultation. The Commissions themselves had long argued for an extension of the period for making written representations – the Cabinet Office guideline for such exercises is 12 weeks – but no change was proposed until 2011. The Reviews were also very time-consuming. The Boundary Commission for England’s Fifth Review took seven years (Boundary Commission for England 2007b, appendix J). There was usually more than a year between publication of the provisional and final revised recommendations for an area.

The overall impact of that public consultation was slight, with few changes recommended to and accepted by the Commission (Johnston et al. 2008). In London, for example, 11 Inquiries were convened: four resulted in no changes to the provisionally recommended constituencies and in one other the only change was to a constituency name. There were 45 Inquiries in the Non-Metropolitan Counties, with 12 resulting in no change and another two in name changes only. Even where changes were recommended, they were usually very minor, leaving the basic arrangement of the new constituencies virtually unchanged. Of the 6245 wards in the Non-Metropolitan Counties where an Inquiry was held, only 136 were moved between constituencies after the public consultation; 54 were in three counties, each of which had been allocated an additional constituency requiring a very substantial redrawing of its constituency map.

Whether the Local Inquiries resulted in very little change to the Commissions’ provisionally recommended constituencies was because of the high quality of their initial work in preparing recommendations, the inability of the political parties to present convincing
alternatives, or just the two main parties cancelling out each other’s efforts, the general conclusion from commentators and others was that they involved a great deal of time and public resources for little benefit, with little involvement by the general public;\(^1\) although the Boundary Commission for England (2007a, p. 20) concluded that the Inquiries were ‘... extremely effective in enabling public discussion about the issues and in informing us of local views’, it continued that ‘It is however, sometimes difficult for us to obtain a true measure of local information and opinion especially where those who support or do not object to provisional recommendations do not make this known to us’. To one MP:

... the process is far too elaborate ... we have this enormous and elaborate Commission and Inquiry structure all about so little. ... I attended parts of the Inquiry and ... [the Assistant Commissioner] was absolutely fine. To criticise him would be like complaining that the second violin was out of tune as the Titanic sank. It was typical English law – desperately polite, wonderfully open. But what is this all about – it’s impeccable but wrong. (Reproduced from Johnston et al. 2008, p. 21)

The coalition government had two main reasons for eliminating Inquiries. The first was speed: it was planning to introduce five-year fixed-term Parliaments and wanted a new set of constituencies in place 18 months before the next election in May 2015, to allow for creating local organizations and the selection of candidates; this gave the Commissions less than three years to complete the task, which a lengthy sequence of Inquiries could preclude. Second, the Conservatives wished to minimize the effect of the expertise and advantage Labour had developed in making persuasive cases to Assistant Commissioners which could enhance the party’s electoral prospects.

CHANGING THE CONSULTATION PROCESS

In 2004 a Conservative MP published a pamphlet on *Pruning the Politicians: the Case for a Smaller House of Commons* (Tyrie 2004). Although his focus was on reducing the number of MPs – which was implemented in the legislation discussed below – he also criticized the procedure for redistributions. He noted substantial variations in constituency size from which Labour gained a considerable electoral advantage at both the 1997 and 2001 general elections and suggested removing this unfairness to the Conservatives by having a single UK electoral quota and requiring that no constituency deviated from that quota by more than \(\pm 5\) per cent. That case was enhanced by the 2005 general election result. Although it had only a small lead in votes over the Conservatives – 35.2 and 32.4 per cent, respectively – Labour won 355 MPs to the Conservatives’ 198. (In England the Conservatives won a small majority of votes – 35.7 per cent against 35.5 – but obtained only 194 seats to Labour’s 286.) It became party policy to remove that ‘unfairness’ by requiring greater equality of electorates plus more frequent reviews so that population movements would not significantly erode that equality.

The July 2010 *Parliamentary Voting System and Constituencies Bill* incorporated these proposals;\(^2\) it stipulated that the Commissions must deliver their first reports by 1 October 2013, and quinquennially thereafter. Each constituency had to have an electorate within \(\pm 5\) percentage points of a UK-wide electoral quota: previously each country had a separate quota and Wales in particular was substantially over-represented relative to England.\(^3\) The Bill also fixed the number of constituencies at 600: there were currently 650. Debate began in the House of Commons in September 2010, and – after one of the longest committee stages in the House of Lords on record – received Royal Assent in February 2011 (Johnston and Pattie 2011a). The four Boundary Commissions started the first review under the new rules the following month.
By reducing the number of MPs from 650 to 600 and making electoral equality the paramount criterion (Johnston and Pattie 2012; Rossiter et al. 2012) it was widely realized that the first set of new constituencies would differ very substantially from that deployed for the 2010 general election. To meet the size criterion, many existing seats would have to be substantially changed and many more local government boundaries crossed – and potentially more communities divided – than previously (Rossiter et al. 2012.) The electoral implications of such unprecedented change to the constituency map greatly concerned the political parties.

The Bill also proposed two major changes to the public consultation process. The period for submitting written representations after publication of provisional recommendations was extended to 12 weeks and there was an explicit statement that ‘A Boundary Commission may not cause a public inquiry to be held for the purposes of a report under this Act’. That elimination of Local Inquiries was the cause of much consternation and lengthy debate in the House of Lords, dominated by Labour peers. Without Local Inquiries they believed there was a potential that anomalies in the configuration of constituencies – in particular the splitting of communities – would not be drawn to the Commissions’ attention. None of Labour’s amendments to reinstate Inquiries was successful (Johnston and Pattie 2011a, 2011b), but the issue attracted attention among the cross-benchers, including Lord Woolf, a former Lord Chief Justice of England and Wales, who argued that the potential scale of changes to constituencies ‘means that the public must have a proper hearing’ (House of Lords Hansard, 8 February 2011, column 138), without which there could be strong claims for judicial review.

The government needed the legislation passed by 14 February 2011 so that the referendum on the alternative vote could be held that May. It rejected Labour’s offer to pass the relevant clauses if the two parts of the Bill were decoupled and feared that if sufficient cross-benchers followed Lord Woolf’s lead the whole timetable could be delayed. Some cross-benchers were becoming increasingly annoyed over Labour’s tactics (Johnston and Pattie 2011b) and the government wished to placate their concerns. Lord Wallace of Tankerness argued that proposals tabled by a Labour peer with cross-bench support ‘effectively could reintroduce the current system of local inquiries which . . . has not always been the best means of conducting these matters’ (House of Lords Hansard, 31 January 2011, column 1222) and indicated instead that the government was prepared to introduce ‘a public hearing process, enabling an opportunity for the public and the parties to express their view, and provide sensible direction to the Boundary Commissions to ensure that the timetable for completion of the review by October 2013 is met’.

Lord Wallace indicated that the government was convinced that the reviews must be shortened because they had

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\ldots \text{taken too long in the past} \ldots \text{If we took no action, the next boundary review may not take effect until 2020.} \ldots \text{That is unfair and unacceptable and drives inequality in the weight of a vote.}
\]

Further, he noted that in drafting the new proposals

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\ldots \text{it became clear that the existing system of local inquiries was not fit for purpose. Yes it satisfies the urges of political parties to put their case at considerable length, but it was rarely successful in engaging the general public.}
\]

(\textit{House of Lords Hansard, 8 February 2011, column 128; our emphasis})

The proposals involved:

1. \textit{An initial consultation period} of 12 weeks for written submissions after publication of provisional recommendations.
2. Introduction of Public Hearings, each lasting no more than two days, at which oral cases for and against a Commission’s proposals and for any alternative schemes could be presented, to be held during weeks 5–10 of the initial consultation period with a minimum of two and a maximum of five held in each of Northern Ireland, Scotland and Wales and each of the nine English regions.

3. A secondary consultation period of four weeks, after publication of all written submissions and transcripts of the Public Hearings, for written comments only.

4. Publication of revised recommendations – if any – with eight weeks for submission of further written representations, but with no provision for Public Hearings.

5. Submission of final recommendations to Parliament.

The Public Hearings’ format was developed by a Conservative Party adviser who played a major role in drafting the legislation, based on an Australian model where such Hearings are conducted in a non-confrontational context. The Bill’s new Schedule allowed the Commissions to appoint independent persons to chair the Hearings and determine the procedure; they could ‘put questions, or allow questions to be put’ to those making representations and could ‘regulate the manner of questioning or restrict the number of questions a person may ask’. The clear intention was to ensure no repetition of the long-drawn-out, conflictual nature of the previous Inquiries.

Lord Woolf argued that the scale of changes that the proposals for new constituencies would involve meant not only that ‘the public must have a proper hearing’ but also that this ‘opportunity to be heard … [should] then be reported on by a neutral and independent person’ without which those appearing at a Hearing could think ‘their words are apparently disappearing into the ether with no conclusion being given on them’; the Commission should receive not only a transcript of the Hearing but also ‘the views of the chairman on what has occurred’ (House of Lords Hansard, 8 February 2011, columns 136–140). For Labour, Lord Falconer referred to the proposed Hearings as ‘not in any sense an inquiry but … intended to enable the public to make representations’ (House of Lords Hansard, 8 February 2011, column 133). His amendment to reinstate Local Inquiries was lost by 266–262 votes, however; the government’s amendments were then agreed without division.

PREPARING FOR THE HEARINGS

This new format for public consultation, especially the Public Hearings, created problems for all involved, especially in England. (England was allocated 502 constituencies compared with 52 for Scotland, 30 – a reduction of 25 per cent – for Wales, and 16 for Northern Ireland.) Three Commissions announced their recommendations in September–October 2011, little more than six months after starting the task; however, the Welsh recommendations appeared in January 2012.

The Boundary Commissions

In England and Scotland the Commissions divided their countries for the allocation of constituencies. For England the Act suggested using the nine regional constituencies employed for elections to the European Parliament: after a brief public consultation the Commission agreed to do this – although the amendment requiring the Hearings to be allocated regionally strongly tied its hands in any case. The Scottish Commission made a pragmatic grouping of local authorities (there are 32 in total), with each group entitled to
an integer allocation of seats; the English Commission did the same within all but one of its regions.

The Boundary Commissions for Scotland and Wales each held five Hearings; the Northern Ireland Commission held three. The purpose of the Scottish Hearings was to ‘explain our proposals and to give an opportunity for others to make representations’ on them (Boundary Commission for Scotland 2011, p. 7): each chair would determine the procedure, set time limits for representations, ask questions, and decide whether to allow others to question anybody making a representation. In addition:

If as part of your representation, you have prepared a written submission or map, please provide copies to the chair of the hearing and our staff. You may also want to provide copies to others to give them an opportunity to study and comment on counter-proposals. The chair may adjourn the hearing for a short period in order to allow time for consideration to be given to a complex representation.

As at previous reviews, the local Sheriffs Principal conducted the Hearings; notwithstanding Lord Woolf’s strictures, they were not required to submit a report, ‘although the Commission would welcome any comments which the Chair may wish to make’.6

The Boundary Commission for Wales made clear that it ‘attached just as much significance to representations made in writing as those made orally at public hearings’ (Boundary Commission for Wales 2011, p. 12) and stressed that ‘An objection accompanied by a viable counter-proposal is likely to carry more weight than a single statement of objection’. Speaking slots would be applied for and allocated a week before the event, and participants were asked to provide speaking notes in advance (in part to assist translation). In addition:

The speaker may be asked by the Chair to clarify certain points. Requests for clarification by the audience may be made only through the Chair.

The Commission suggests that questioning be limited to points of clarification and that cross-examination should not be permitted. The opportunity for commenting on others’ representations is the secondary consultation period.

At its prior meeting with the parties the Commission indicated that although each party would be preparing a response document covering the whole country, it hoped that they ‘would make an effort to speak predominantly at each public hearing with regard to the area within which the meeting was being held’. In the event, each party presented its views on the entire proposals at the beginning of the first Hearing. In addition, the Commission invited them to make summary, all-Wales submissions at the final Hearing, with comments about alternatives presented by others at the previous events: all four took advantage of this. The Commission appointed three Assistant Commissioners: one chaired the Hearings at which the other two took part in the questioning.

The Boundary Commission for Northern Ireland made similar statements in its Information Booklet.7 It also warned – unnecessarily as it turned out (see below) – that ‘The duration of speaking slots is likely to be very limited, so presentations will need to be clear, concise, and focussed’ (Boundary Commission for Northern Ireland 2011, p. 8).

The Boundary Commission for England faced by far the largest task, especially given its decision to publish all of its recommendations on the same day. The number of proposed Hearings varied: five each in the largest regions (London, Northwest, and Southeast – they were recommended to have 68, 68, and 83 constituencies, respectively); four each in Eastern, Southwest, West Midlands, and Yorkshire and the Humber (56, 50, 54, and 50 seats each); three in the East Midlands (44 seats); and two in the Northeast (26). At
its second meeting with representatives of the political parties,\textsuperscript{8} it introduced detailed proposals for their conduct – such as booking time slots in advance, which would probably be of 15 minutes only.

One innovation was that at each region’s first Hearing – designated the ‘Lead Hearing’ – it

\ldots felt that it might be useful for the main political parties to have the opportunity to present a ‘region-wide’ view \ldots allowing them to present a holistic picture to the Assistant Commissioner chairing the hearing, and would save them having to repeat (in a shorter time) a region-wide picture at each hearing in the region \ldots this could therefore free up time for others to be able to speak. (p. 4)

Those longer statements (40 minutes maximum) were welcomed by the party representatives. Three Assistant Commissioners were appointed for each region: one was designated the Lead Commissioner and was expected to chair all of the Hearings there; questions were to be addressed through the chair ‘and should ordinarily be seeking clarification rather than trying to “cross-examine” the speaker’ (Boundary Commission for England 2011, p. 13). The Assistant Commissioners would (as in Wales) ‘subsequently be responsible for analysing all of the representations in a region (i.e. from Public Hearings and in writing), and producing a report on that region with recommendations to the Commissioners’.\textsuperscript{9}

\textbf{The political parties}

The compressed timetable placed considerable pressure on the parties. Previously, provisional recommendations were usually published piecemeal by the Commissions for only a few local authorities at any one time, so that the parties, some at least having prepared their ideal case scenarios for each local government area in advance, had to respond to proposals for only a small part of the country at any one time. Further, as table 1 shows, most of the areas had only a small number of constituencies, facilitating parties’ comparison of the proposals with their own ideal sets – determining which to accept and which to challenge. As the Inquiries were held some months after publication of the proposals, although they only had one month to register written objections, the parties had much longer to formalize their alternatives and mobilize support behind them from MPs, local party organizations, councillors, and others.

The new timescale gave parties only six months between March and September 2011 to develop their preferred configurations for each country and region (three more months in Wales). This was a substantial task, especially given the need to involve and gain support from regional and local party organizations as well as MPs, many of whose seats were to be dismembered (Rossiter \textit{et al.} 2012). They then had a very short time in which to assess the Commissions’ recommendations and develop objections plus counter-proposals, as the Hearings were likely to start only five weeks after publication. In effect, they had much less time to respond than they did under the previous system.

The parties had to decide whether they would ‘show their hand’ at the Hearings, not only indicating aspects of the Commissions’ recommendations they objected to but also publishing their alternative configurations, giving opponents the opportunity to develop counter-proposals to submit as written representations before the end of the initial consultation period. All three main British parties decided to present their alternatives at the Hearings – while indicating that they might subsequently alter them. Among other reasons for this they apparently feared that, if they did not, their MPs and local party organizations might go to the Hearings with proposals that did not fit into the party’s overall scheme. To ensure unity, as far as possible, behind a single scheme, it
was necessary to ensure that all sections of the party supported it at the Hearings and subsequently – which called for a great deal of intensive negotiation and briefing.

In their pre-Hearing preparations the Conservatives – who believed they had most to gain from the rule changes they instigated – had two senior officials work virtually full-time on the issue throughout 2011, with supporting central office staff plus substantial contributions from well-briefed regional and local officials. Labour gave the task to the officer responsible for the previous review, but he had other major roles within the central party organization, which lacked the resources available to the Conservatives and failed to provide strong political leadership which could ensure that local organizations were committed to the overall plan. The party presented no alternative scheme for the Yorkshire and the Humber region, for example. Its presentation and document at the Lead Hearing in Leeds merely ‘reserved its position’ and the written document submitted at the end of the initial consultation period included no counter-proposals. The same situation occurred in Scotland, where no alternatives were proposed orally or in writing, despite several of its MPs suggesting changes, and in the English Northeast region the party accepted five of the proposed constituencies, proposed alternatives to eight others, but reserved its position on the remaining 13 (for some of which local MPs submitted counter-proposals not endorsed by the party nationally or regionally). Finally, for the Liberal Democrats a central coordinator devolved the preparation of responses in each region to local officials who provided the lead speakers at the Hearings – unlike the Conservatives and Labour for whom the same person spoke at all of the English (and Welsh) Lead Hearings.

Other ‘interested parties’

Previous constituency redistributions have only rarely attracted considerable attention beyond the political parties, despite the Commissions’ increased efforts to engage the general public. Some community groups and parish/community councils have responded – usually about very local issues such as which constituency a particular ward should be in – and a few interested individuals (including academics) have submitted counter-proposals. The political parties mobilized supporters either to appear at the Inquiries or make written representations (or both), but participation by the general public with no partisan interests was thin.

This lack of public participation in part reflected the difficulties of both becoming aware of issues and being able to respond to them. The Commissions are required to publish their proposals; the 2011 legislation invites them to ‘take such steps as they think fit to inform people in each of the proposed constituencies what the proposals are’, which stimulated the use of advertisements in the national press and on local commercial radio stations as well as Google ads and placing all of the materials on their websites. Articles in local media discussing the proposals – especially those reporting concerns about specific suggested changes – may stimulate some public action, but speaking at a Public Hearing is a frightening prospect for many, especially as the Commissions made clear that they preferred objections to be accompanied by alternatives; under the new rules this was a daunting task. Changing one constituency slightly was feasible at previous redistributions if a good case was made, because there was no fixed limit on any one constituency electorate. Now that all have to be within ±5 per cent of the quota (76,643), creating viable alternatives is not easy in many places; change to one constituency may require consequent changes to its neighbours in an ever-expanding sequence.
THE HEARINGS

The conduct of the Hearings varied not only across the four countries but also within them – especially in England, where they all followed the prescribed format. Each had introductory statements from the Chair and a member of the Commission staff (its Secretary at each of the Lead Hearings). The latter had a generic component applicable to all regions plus a specific one, very briefly setting out the regional proposals. The Chairs set the procedural rules, with statements such as:

… the purpose of this public hearing is for people to make oral representations on the initial proposals. The purpose of this hearing is not to engage in a debate with the Commission about the proposals. I will not engage in a debate about, nor attempt to justify, the Commission’s proposals, nor is this hearing an opportunity for people to cross-examine others during their presentations. What I will allow is for people to pose questions by way of clarification to each of the speakers, through me, and at my discretion … but I will not allow points of clarification to be put directly to the speaker.

Almost all of the parties’ Lead Hearing presentations used PowerPoint, with detailed supporting documents for each of their opponents as well as the Commission. Some Chairs allowed direct questions to speakers – though only for clarification – and some were more active than others in posing their own (often regarding details on maps). Most of the questioning was by political party representatives.

Following the lead presentations, most contributions supported the proposals from the speaker’s party, usually with regard to a single constituency. MPs, party officials at all levels, and elected councillors (county, borough, district) had been mobilized to provide supporting evidence for the party’s arguments – some defending the case for no change, the majority adding support for the party’s alternative. For the Conservatives, senior regional officials present coordinated the presentations and in some cases gave an overview of the party’s proposals for the region. Occasionally, having heard what its opponents proposed at the Lead Hearing, the party mobilized speakers to attend a later Hearing in the region to sustain its case and, by implication, question an opponent’s (an exercise followed up by written representations). Each of the other parties had a representative present throughout all of the Hearings – usually more junior than the Conservatives’ – but these were generally less active in asking questions.

Because the Hearings were not for debating alternative proposals, the lack of debate made it difficult to evaluate counter-proposals. In 2010, for example, Portsmouth North was won by the Conservatives and Portsmouth South by the Liberal Democrats. The Commission had proposed an east–west split of the city – which the configuration of wards virtually required; both of those proposed seats would probably have been won by the Conservatives in 2010. The Liberal Democrats were only able to re-create a viable Portsmouth South by splitting a ward (the Commission had indicated it would only do that in extreme cases where no other solution was ‘viable’; Rossiter et al. 2012); the current MP, city councillors, and party officials argued why one particular ward should be split (although one councillor proposed splitting another ward) whereas several Conservative speakers (including their current local MP) argued that the boundaries of that ward enclosed a single community that should not be split. The Assistant Commissioner asked no questions and although some ‘questions for clarification’ were allowed, there was no evaluation of the relative strength of the opposing arguments that a cross-examination at a Local Inquiry might have engendered: the Assistant Commissioners had to reach their conclusions on what they heard and subsequently read without in any way ‘testing the evidence’.
Some Hearings were active for much of the scheduled two days but many were not – the Lead Hearing at Reading, for the largest region in terms of seats (Southeast – 81), had only three speakers on the second day, with one observer offering to speak to fill in the time: there were only four speakers on the first day at Sheffield and just one on the second. The greatest activity focused on areas where considerable changes to the existing constituencies were proposed, often with new seats that crossed local authority boundaries, with implications for party electoral prospects – as in the Birmingham area where the parties stimulated considerable opposition to the proposals. In one case, Conservative unity was slightly cracked. The Commission’s proposals for Gloucestershire involved switching a ward in the centre of Gloucester into the Forest of Dean seat – on the other side of the Severn. The central party was unable to identify a viable alternative which would ‘keep Gloucester whole’. The local party did but it involved splitting a ward, which the central organization decided not to endorse but instead merely suggested that the Commission ‘pay serious attention’ to it. That proposal was countered by the local party from neighbouring Tewkesbury, which declared itself in favour of the Commission’s proposal, but it was promoted by the Forest of Dean MP in a later written representation.11

Apart from a few cases where there was considerable local attention, the general public was little involved. Table 2 identifies all who spoke at the Hearings in England (excluding the few who asked questions but made no formal submission) into various categories. Most speakers’ affiliation was explicit (at some Hearings – as in London – the Chair asked all speakers if they had any party links). Quite a few who spoke in what they said was a personal capacity indicated that they had links with a party but these have been listed here as members of the general public without a party affiliation, however. In total, only 226 identified members of the general public spoke, averaging less than seven per Hearing. By contrast, 380 speakers were elected local authority councillors with a party affiliation (this excludes the 39 from non-partisan parish councils). Of the 1189 identified speakers, 69 per cent were representing a partisan position with the Conservatives mobilizing more speakers than the other two parties combined, although relatively more Labour and Liberal Democrat than Conservative MPs made an appearance – in general because more of them saw their constituencies threatened by the proposals.

The Hearings in Scotland attracted very little public attention and each took only one day; there were no explicit time limits on presentations, and considerable interaction took place among the participants and the Chairs; at one, the Chair cross-examined

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**TABLE 2  Speakers at the Public Hearings held by the Boundary Commission for England**

<table>
<thead>
<tr>
<th>Party officials/spokespersons</th>
<th>None</th>
<th>C</th>
<th>L</th>
<th>LD</th>
<th>O</th>
<th>∑</th>
</tr>
</thead>
<tbody>
<tr>
<td>MPs</td>
<td>87</td>
<td>67</td>
<td>31</td>
<td>0</td>
<td>185</td>
<td></td>
</tr>
<tr>
<td>MEPs/peers etc.</td>
<td>12</td>
<td>31</td>
<td>3</td>
<td>2</td>
<td>48</td>
<td></td>
</tr>
<tr>
<td>Councillors (party)</td>
<td>185</td>
<td>138</td>
<td>52</td>
<td>5</td>
<td>380</td>
<td></td>
</tr>
<tr>
<td>Parish councillors</td>
<td>39</td>
<td>31</td>
<td>3</td>
<td>2</td>
<td>48</td>
<td></td>
</tr>
<tr>
<td>Council officials</td>
<td>17</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>Other organizations</td>
<td>81</td>
<td>–</td>
<td>31</td>
<td>3</td>
<td>48</td>
<td></td>
</tr>
<tr>
<td>Members of the public</td>
<td>226</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>226</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>363</td>
<td>410</td>
<td>290</td>
<td>115</td>
<td>11</td>
<td>1189</td>
</tr>
</tbody>
</table>

C, Conservative; L, Labour; LD, Liberal Democrat; O, Other.
TABLE 3  Speakers at the Public Hearings held by the Boundary Commission for Scotland

<table>
<thead>
<tr>
<th></th>
<th>None</th>
<th>C</th>
<th>L</th>
<th>LD</th>
<th>SNP</th>
<th>O</th>
<th>∑</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party officials/spokespersons</td>
<td>–</td>
<td>12</td>
<td>4</td>
<td>7</td>
<td>0</td>
<td>0</td>
<td>23</td>
</tr>
<tr>
<td>MPs</td>
<td>–</td>
<td>0</td>
<td>9</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>17</td>
</tr>
<tr>
<td>MEPs/peers etc.</td>
<td>–</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Councillors (party)</td>
<td>–</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>0</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>Community councillors</td>
<td>7</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>7</td>
</tr>
<tr>
<td>Council officials</td>
<td>3</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>3</td>
</tr>
<tr>
<td>Other organizations</td>
<td>0</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>0</td>
</tr>
<tr>
<td>Members of the public</td>
<td>4</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>14</td>
<td>15</td>
<td>16</td>
<td>19</td>
<td>0</td>
<td>1</td>
<td>65</td>
</tr>
</tbody>
</table>

C, Conservative; L, Labour; LD, Liberal Democrat; SNP, Scottish National Party; O, Other.

the Commission Secretary. There were just 65 oral submissions (table 3), with several individuals speaking more than once (e.g. the same individual spoke for the Conservatives at three Hearings). Party members predominated, with only four contributions from the general public and ten others that were non-partisan. There were none from the Scottish National Party, which presumably either decided that the exercise was irrelevant, given the party’s decision to hold an independence referendum in 2014, or felt that the proposals could not be bettered. The Liberal Democrats were most active: estimates suggested that their number of Scottish MPs could be reduced from 11 to eight by the changes; Labour’s number would be reduced from 41 to 37; whereas the Conservatives and the SNP would retain their single and six MPs, respectively, among the country’s reduced cohort of 52.12

The Boundary Commission for Northern Ireland’s three Hearings were almost non-events, with just 11 people making submissions, three at Belfast, and four each at Ballymena and Omagh. All but two were speaking for a party, although there were no MPs and only two MLAs (one represented the Traditional Ulster Voice Party and the other spoke for the SDLP generally, hence he is in the first row of table 4).13 Only one councillor spoke, the Democratic Unionist Party Mayor of Ballymoney, and there were no submissions from Sinn Féin.14 A Council official from Omagh spoke of the lack of overlap between local authority areas and constituency boundaries and the administrative difficulties this might cause (one proposed seat included wards from four districts), and one member of the general public discussed the number of Belfast seats in some detail. As in Scotland, it may have been that the parties found the Commission’s proposals acceptable,15 or for some reason they were not prepared (in either sense of that word) to present their concerns in a public forum.

The five Hearings in Wales attracted 115 separate submissions (table 5), the majority from either party officials (40) or elected councillors (30) although, compared to Scotland, there was a larger number of contributions from members of the general public. Conservative representatives dominated among those with a partisan interest – including five of its eight MPs compared to only four of Labour’s 26 and none from either the Liberal Democrats or Plaid Cymru (each of which would probably have their number of MPs reduced from three to two). There was considerable interaction between the three Assistant Commissioners and those making representations, in most cases covering either points of locational detail (for which maps were put on the screen, a practice not employed in England and Northern Ireland) or constituency names. (A representative of the Welsh Language Board
TABLE 4  
Speakers at the Public Hearings held by the Boundary Commission for Northern Ireland

<table>
<thead>
<tr>
<th>Party officials/spokespersons</th>
<th>None</th>
<th>DUP</th>
<th>SF</th>
<th>All</th>
<th>SDLP</th>
<th>O</th>
<th>∑</th>
</tr>
</thead>
<tbody>
<tr>
<td>MPs</td>
<td>–</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>MLAs</td>
<td>–</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Councillors (party)</td>
<td>–</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Council officials</td>
<td>1</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>1</td>
</tr>
<tr>
<td>Members of the public</td>
<td>1</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>5</td>
<td>1</td>
<td>12</td>
</tr>
</tbody>
</table>

DUP, Democratic Unionist Party; SF, Sinn Féin; All, Alliance; SDLP, Social Democratic and Labour Party; O, Other.

TABLE 5  
Speakers at the Public Hearings held by the Boundary Commission for Wales

<table>
<thead>
<tr>
<th>Party officials/spokespersons</th>
<th>None</th>
<th>C</th>
<th>L</th>
<th>LD</th>
<th>PC</th>
<th>O</th>
<th>∑</th>
</tr>
</thead>
<tbody>
<tr>
<td>MPs</td>
<td>–</td>
<td>27</td>
<td>7</td>
<td>3</td>
<td>2</td>
<td>1</td>
<td>40</td>
</tr>
<tr>
<td>MEPs/peers etc.</td>
<td>–</td>
<td>5</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>Councillors (party)</td>
<td>–</td>
<td>16</td>
<td>4</td>
<td>1</td>
<td>8</td>
<td>1</td>
<td>30</td>
</tr>
<tr>
<td>Community councillors</td>
<td>6</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>6</td>
</tr>
<tr>
<td>Council officials</td>
<td>0</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>0</td>
</tr>
<tr>
<td>Other organizations</td>
<td>3</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>3</td>
</tr>
<tr>
<td>Members of the public</td>
<td>23</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>23</td>
</tr>
<tr>
<td>Total</td>
<td>32</td>
<td>51</td>
<td>16</td>
<td>4</td>
<td>10</td>
<td>2</td>
<td>115</td>
</tr>
</tbody>
</table>

C, Conservative; L, Labour; LD, Liberal Democrat; PC, Plaid Cymru; O, Other.

gave evidence, encouraging the Commission to ‘provide both Welsh and English names where that is appropriate, or just Welsh names where that is most appropriate’.) Following the Hearings, the Conservative Party decided to change its counter-proposal for southeast Wales to conform to that presented by Plaid Cymru; its final written submission thus differed from that presented at the Hearings.

CONCLUSIONS

Wraith and Lamb (1971, pp. 353–54) argued that planning inquiries – which have much in common with the Parliamentary Boundary Commissions’ Local Inquiries before 2011 – ‘would have delighted Jeremy Bentham, for there could have been no more practical example of the search for the greatest good of the greatest number, which he believed should inform every activity of government’. They concluded that despite criticisms, ‘inquiries are remarkably effective … in informing government and other authorities of the reactions of citizens to their proposals’ (p. 354), although they argued that when planning inquiries included the ‘consideration of alternatives … public inquiries are imperfect instruments’ (p. 348). Many critics of the Boundary Commissions’ pre-2011 Local Inquiries considered them predominantly an arena within which political parties advanced their own concerns, however. When the Conservatives’ initial proposal to abolish them was thwarted, they designed an alternative procedure that incorporated only one of Catt and Murphy’s (2003) ‘consultation categories’ – the collection of evidence.
These Public Hearings, held concurrently with the collection of written representations, had a much more limited function.

But that alternative procedure did not successfully engage the general public, and the Hearings, like their predecessor Inquiries, were dominated by political parties arguing for counter-proposals that would better serve their electoral aspirations: in England and Wales, the Commissions privileged the parties in their adopted procedures. The general public played a very small part in the proceedings, especially in Scotland and Northern Ireland. Whether the new procedure was more effective – it was undoubtedly more efficient in the use of public and party resources – is not readily evaluated, however. With few exceptions the parties’ counter-proposals presented at the Hearings were not substantially changed in later written submissions, most of which – many stimulated by the parties getting their supporters to strengthen their cases – provided additional rather than new evidence. In general, therefore, the new system very largely replicated the old. The Hearings were shorter than the Inquiries and both less confrontational and politer, but whether they were a valuable addition to the proposed longer time period for written representations is doubtful. In Catt and Murphy’s (2003) terms, the Hearings provided evidence that in many cases did not supplement that provided in writing, but neither allowed any contestation of what had been presented nor could be used to create a synthesis of the pros and cons of various schemes.

Whether, as the Boundary Commission for England claimed on its website in November 2011, the new Public Hearings allowed it to ‘gain a real insight into what people think’ of its proposals is extremely doubtful, therefore. Participation by the general public was very limited and Lord Wallace’s criticism of the previous Local Inquiries, cited above, applies equally well to the new Public Hearings. Indeed, because the parties could respond in writing to their opponents’ alternative schemes after the Hearings, the new system was more advantageous to them than its predecessor. But the timetabling placed considerable strain on all those involved.

A single case study is insufficient grounds on which to draw conclusions regarding the effectiveness of different forms of public consultation. The change discussed here was introduced for partisan reasons in a heavily-charged electoral context, and might have few wider implications for other types of public consultation. For its proponents, the end – removing a perceived ‘unfairness’ by changing the key rules and speeding up the process – was much more important than the means. Nevertheless, by replacing a situation in which opposing interests could debate their proposals and counter-proposals to one in which ‘views were heard’ but not challenged, this new procedure meant that the evidence presented by the interested parties was not tested in a public forum – which may set precedents for other situations where public consultation is considered necessary but where it is in the proposers’ interests to limit its scope and potential impact.16

ACKNOWLEDGEMENTS

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NOTES

1 One student of the process – cited in Johnston et al. (2008, p. 22) – claimed that many of the ‘general public’ who made representations were mobilized as part of a party’s tactics and that there was very little involvement at all from the grass-roots, even from the grass-root party activists. (See also Schuman 1999.)

2 The Bill also contained provisions for holding a referendum on changing the voting system for UK general elections to the Alternative Vote. This was included as part of the Conservatives’ coalition agreement with the Liberal Democrats, who strongly supported electoral reform.

3 The Bill created two special cases of small island constituencies in Scotland where the equality rule did not apply. The final Act added two more, for the Isle of Wight.

4 Labour wanted to delay implementation of the Bill, so that the 2015 election would be held in the existing constituencies: its estimates – rightly as it turned out – suggested that it would lose more seats than the other parties.


6 http://www.bcomm-scotland.gov.uk/6th_westminster/initial_proposals/public_hearings/

7 http://www.boundarycommission.org.uk/index/guide-to-sixth-review120911.pdf

8 The Minutes are reproduced at http://consultation.boundarycommissionforengland.independent.gov.uk/publications/

9 Minutes, p. 2.

10 The software used by the Boundary Commissions for Scotland and Northern Ireland was made available to the parties (at a cost in the latter country, according to the Minutes of the Commission’s meeting with party representatives). Some parties bought other software packages.

11 The Gloucester proposal was one other that sparked considerable public attention: there was a ‘protest march’ against it through the city centre on the Friday before the Lead Hearing at Bristol!

12 Those estimates were made by Anthony Wells of YouGov, using a method developed by Rallings and Thrasher (2007), and published on his website, http://ukpollingreport.co.uk/.

13 One of the SDLP spokespersons claimed to be speaking on behalf of an MP, who would be making a separate written submission – but did not!

14 The DUP did put in a written representation with a proposed alternative set of constituencies. There was no submission from Sinn Féin, although one of its MLAs did put in a counter-proposal for Southeast Belfast.

15 Of the 18 Northern Ireland seats in the 2010 Parliament, seven have a Roman Catholic majority (and all were won by either Sinn Féin or the SDLP): of the 16 proposed by the Boundary Commission, seven again have a Roman Catholic majority.

16 It may be that all of the effort put into the Review will be wasted. In August 2012, the Deputy Prime Minister and Leader of the Liberal Democrat Party announced that because the Conservative Party was not prepared to support the timetable motions for the House of Lords Reform Bill promoted by his party, that Bill was being withdrawn and, as a consequence, Liberal Democrat MPs would be instructed to vote against implementation of the Boundary Commissions’ final recommendations in October 2013 (see also House of Commons Hansard, 3 September 2012, columns 36–53). The reviews were ended by a Parliamentary vote in January 2013, which delayed the Act’s implementation by five years.

REFERENCES


