

WELSH AFFAIRS SELECT COMMITTEE INQUIRY ON PARLIAMENTARY VOTING SYSTEMS AND CONSTITUENCIES BILL

Evidence of Lewis Baston, Democratic Audit

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I am currently senior research fellow with Democratic Audit and it is under the auspices of Democratic Audit that I offer these observations on the Parliamentary Voting Systems and Constituencies Bill. Previously I was Director of Research at the Electoral Reform Society (2003-2010) and I have been author and co-author of several books on constituencies and political geography, most notably *The Political Map of Britain*. I also wrote in February 2010 about the impact of this proposal on the governance of Wales. I am grateful to the Committee for inviting me to submit evidence.

Introductory remarks

1.1 Most of the smallest constituencies – other than those the government proposes to exempt from equalisation through the island exceptions or the land area constraint – are in Wales. A large part of the project of ‘equalising’ constituency electorates involves reducing Wales’s representation at Westminster.

1.2 It is welcome that the Welsh Affairs Select Committee is raising the Welsh dimension in its hearings. This may be the only opportunity for these important matters to be discussed because of the very compressed timetable for the Bill in parliament and the lack of any attempt at consultation or research in advance of presenting it.

Devolution and Welsh representation at Westminster

2.1 It can be reasonably asked why Wales should be over-represented in the UK Parliament when it has its own Assembly. However, the continuing close relationship between the legislative processes at Westminster and Cardiff Bay means that Welsh devolution is dependent on the co-operation of Westminster, and that the Assembly lacks the ability to pass primary legislation. Wales, in the Bill is treated like Scotland (or actually less favourably, given the exemptions from equalisation that the two Scottish island groups enjoy) despite the difference in the degree of devolution.

2.2 Constitutional change in Wales is an evolving process, and the current Bill creates what might be considered an anomaly. Scottish representation at Westminster was scaled down by application of the English quota in 2005, as part of a quid pro quo for full legislative devolution. It is proposed that Wales be similarly downsized whether or not the Assembly gains further powers – which in any case fall well short of the powers devolved to Scotland.

2.3 There is a reasonable case for delaying the entire boundary review process until the outcome of Wales’s own referendum on the transfer of powers is known. One cannot proceed simply by taking

Wales last in the review process, as the allocation of numbers of seats to the four nations of the UK is the first stage. There is a debate to be had about the relationship between Assembly powers and Wales's representation at Westminster. The government's parliamentary timetable for this Bill, the lack of prior consultation, and the number of other issues wrapped up in the Bill, all mean that the discussion on Wales is being telescoped.

Small nations within states, and the balance between national and individual representation

3.1 Many constitutional systems recognise the balance between population and the different national or sub-national entities within a state through using different philosophies of representation in a bicameral system for each house, and having strong powers for the second chamber. The extreme example is the United States, with a rigidly population-based House and a Senate with practically equal powers where California (population 37 million) has the same representation as Wyoming (population 544,000). The same pattern is also to be found in the powerful elected Senate in Australia, and to some extent the indirectly elected Bundesrat in Germany.

3.2 It is significant that the highly equalised lower house boundaries in Australia and the United States are accompanied by strong second chambers which are anything but equalised in terms of seats per elector. In neither state is arithmetic equality considered a sole basis for representation in the national legislature.

3.3 The Bill proposes adopting only one half of the American/ Australian philosophy. The powers of the second chamber in the UK are very weak by comparison with those countries, and neither the current unelected body (nor proposed replacements) is capable of the same balancing role within a federal (or in our case quasi-federal) parliament.

3.4 There is therefore an argument that Wales's over-representation in the House of Commons performs an analogous (although much less powerful) function to the over-representation of small states in the senates of other countries. I am not suggesting that Wales should necessarily preserve 40 seats out of 650, merely that it is not obvious that downsizing it to 29-30 is the right thing to do.

Minority representation and Wales

4.1 Many countries, even those with very proportional electoral systems, allow some sort of guaranteed representation of indigenous linguistic and national minorities. Italians and Hungarians have reserved seats in the Slovene parliament, the Faroese and Greenlanders have special seats in the Danish parliament, Nunavut is a small seat in Canada, and so on. In the United States, the Voting Rights Act means that single-member districts are drawn to ensure proportionality of representation of African-Americans and Americans of Hispanic origin.

4.2 Wales and Scotland both have indigenous languages with minority status within the UK. The community of Scottish Gaelic speakers has de facto protected status within the existing Bill, with a majority-Gaelic seat guaranteed in na h-Eileanan an Iar and influence within several undersized

Highlands constituencies. This is not unreasonable on its own terms, although the community amounts to only around 59,000 Scots (1.1 per cent of population there, and less than 0.1 per cent of the UK population). Welsh speakers within Wales amount to 21 per cent of the total, 611,000 people (around 1 per cent of the UK population). There are currently 5 majority-Welsh constituencies: Ynys Mon, Dwyfor Meirionnydd, Arfon, Ceredigion and Carmarthen East & Dinefwr. All of these are undersized, and the Bill will mean reduction accompanied by radical boundary changes. The Bill risks severely depleting the representation of Welsh-speaking areas in the UK Parliament.

Geographical factors and north west Wales

5.1 Adding to the possible rationale for giving Welsh-speaking Wales some latitude is the fact that much of the area concerned is geographically difficult, particularly in the mountainous north west (hence the lenient treatment it has been shown in successive boundary reviews under Rule 5, which the Bill proposes to scrap) and the island of Anglesey.

5.2 Admittedly, Ynys Mon is not quite comparable to the Scottish islands or the Isle of Wight in that it has a bridge to the mainland, but neither is it as far from the UK quota of registered electors as any of these places. If na h-Eileanan an Iar with 23,000 deserves a major departure from the quota because of its geographical isolation and cultural distinctiveness, then Ynys Mon with 50,000 should probably be entitled to a bit of consideration for its own circumstances. Dwyfor Meirionnydd with 45,000, a distinct culture and difficult physical geography, is also a candidate for special treatment. The Boundary Commissions collectively, and the Boundary Commission for Wales, should be permitted to consider such factors.

5.3 The treatment of these areas in the Bill contrasts strongly with the consideration shown to the Scottish islands and constituencies in the north of Scotland with one particular form of geographical difficulty, namely large land area.

Assembly and Westminster elections

6.1 Although it is not one of the more transparently written sections of the Bill, Section 11 appears to 'decouple' Assembly and Westminster constituencies. This is necessary to avoid the absurd consequences for the Assembly that would follow from failing to do so and to which I referred in my report for the Electoral Reform Society entitled 'Reduce and Equalise and the Governance of Wales'.

6.2 The government's intention to hold the next Westminster election in May 2015 presents significant problems. The elections for Westminster and the Assembly would be taking place on different systems on the same day, and more complicatedly on two sets of boundaries which will hardly ever correlate with each other. The alternative of postponing the Assembly elections by a month is hardly ideal, placing this important election at a time when voters and parties will be suffering 'election fatigue'.

The voting system referendum

7.1 It is common practice in many countries to have referendums alongside elections – particularly in the United States where in some states a long list of propositions is appended to the ballot paper every second November. For reasons of administrative convenience, cost and maximising turnout there is a logic to combined elections that has been followed for the last two European Parliament elections. The aim of high participation in a referendum is best served by a combined election.

7.2 Conceptually, electing an Assembly for Wales is a different sort of task from deciding to vote Yes or No in a referendum. Electing the Assembly and Westminster alongside each other in 2015 is much more complicated in that the tasks of the two bodies are still intertwined, and the choice voters make involves trying to take a view in the round about the qualifications of candidates and the order of priority between issues. It is much harder to envisage the issues for Wales and Westminster being adequately and separately discussed than for distinct discussions to take place on the electoral system and Wales.