



ANNUAL REPORT

1 April 2019 – 31 March 2020

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Deputy Chairman's Report

This report covers a significant part of the period between completing the 2018 Review of Parliamentary constituencies and the start of preparations for the 2023 Review. Ordinarily the period between Reviews would be limited mainly to interactions with the other UK Commissions and other stakeholders. However, during the period of this report the Commission has undertaken significant work in relation to the introduction of new legislation by the government as well as carriage of a legal challenge to the 2018 Final Recommendations Report

This period has also included a change to the Boundary Commissioners. Dr Bill Smith completed his second term in May 2019 and I am very grateful to him for his service to the Commission over those years. Our new Commissioner is Vilma Patterson who was appointed in August 2019 and I am delighted to welcome her to the team. The Commission is very fortunate to retain the considerable experience of Commissioner Sarah Havlin, ably supported by our Secretary, Mr Eamonn McConville.

The unprecedented circumstances related to Covid-19 impacted on the Commission's operations during the latter part of this report. The changes in working practices will continue through 2020 and will require the Commission to be flexible in its preparations for the 2023 Review.

The Hon Madam Justice McBride DBE, QC

Deputy Chairman

7 October 2020

1. The Commission

1.1 Background

The Boundary Commission is an independent, advisory non-departmental public body sponsored and funded by the Northern Ireland Office. The Commission is constituted under the Parliamentary Constituencies Act 1986, as amended by the Boundary Commissions Act 1992 and the Parliamentary Voting System and Constituencies Act 2011.

The Commission's role is to keep under continuous review the number, names and boundaries of the Parliamentary constituencies into which Northern Ireland is divided and to make recommendations about these to the Secretary of State for Northern Ireland. The Commission does not take political factors into account and the effects of the Commission's recommendations on future voting patterns are not considered.

Reviews are currently carried out every five years.

1.2 Membership

Appointments to the Commission are made under Schedule 1 of the Parliamentary Constituencies Act 1986. The 1986 Act specifies that the Commission's membership comprises a Chairman, Deputy Chairman and two further Members.

The ex-officio Chairman is the Speaker of the House of Commons, as is the case for the Parliamentary Boundary Commissions in England, Scotland and Wales. In practice the Chairman takes no active part in the business of any of the Commissions. The Deputy Chair of the Commission is a judge of the High Court appointed by the Lord Chief Justice of Northern Ireland. The appointment of the Speaker and Deputy Chair emphasises the independence, impartiality, and non-political nature of the Commissions. The other two Members are appointed by the Secretary of State for Northern Ireland through a public appointments process. The Commission is supported in its work by four statutory assessors and a small Secretariat.

Chairman:	The Speaker of the House of Commons
Deputy Chairman:	The Hon Madam Justice McBride DBE, QC
Members:	Ms Sarah Havlin Ms Vilma Patterson MBE
Assessors:	Mr Alan Brontë Commissioner of Valuation for Northern Ireland Ms Siobhan Carey Registrar General of Births & Deaths in Northern Ireland Ms Virginia McVea Chief Electoral Officer for Northern Ireland Mr Jim Lennon Chief Survey Officer of Land and Property Services
Secretary:	Mr Eamonn McConville

1.3 Meetings

The Commission met formally on two occasions during the period covered by this report. These meetings were used to discuss the forthcoming legislation, the legal challenge, operational matters around staffing and accommodation and input into the annual meeting of the UK Commissions. It has also been necessary for Commission Members and Secretary to meet with legal advisors and others in the course of the legal challenge.

The Deputy Chair and Commissioners attended the annual meeting of the UK Commissions in London. The meeting provides an opportunity to reflect and share experiences in the carriage of a Review as well as good practice in common areas of interest.

Meetings were also held with colleagues in the Electoral Office and Land and Property Services in relation to operational exercises around the provision of data and expertise for the forthcoming Review.

1.4 Code of Practice

The Commission's Code of Practice is available on the Boundary Commission website (www.boundarycommission.org.uk) or a copy can be provided on request.

1.5 Register of Members' Interests

The Commission maintains an up to date Register of Members' Interests, in accordance with the Code of Practice, which is available to the public.

1.6 Secretariat

Mr Eamonn McConville is the Secretary to the Commission. He has been in post since 16 November 2015, in accordance with paragraph 7 of Schedule 1 to the Parliamentary Constituencies Act.

During the period of this report the Secretary has worked extensively on the following main areas:

- contributing to the formulation of legislation being brought forward by the government;
- carriage of the legal challenge;
- review of the Commission's corporate and operational infrastructure;
- dealing with administrative matters such as finance and accommodation;
- liaising with other UK Commissions and government departments with an interest in boundary matters;
- responding to queries and correspondence concerning boundary issues from members of the public, members of the UK Parliament and the Northern Ireland Assembly; and
- maintaining the Commission's [website](#).

2. Governance

2.1 Legislation

The work of the Boundary Commission is governed by the Parliamentary Constituencies Act 1986, as amended. The current text of the legislation is available on www.boundarycommission.org.uk or a copy can be provided on request.

On 16 February 2011, the Parliamentary Voting System and Constituencies Act 2011 received Royal Assent, after its passage through the United Kingdom Parliament. Part 2 of the Act substantially amended the Parliamentary Constituencies Act 1986, which governs the reviews of Westminster constituencies. The amended legislation introduced considerable changes to the rules, process and timing of reviews. It also reduced the total number of constituencies in the United Kingdom from 650 to 600.

The amended rules introduced a requirement that the electorate of each constituency should be within 5% of the UK electoral quota. Exceptions are made for four protected island constituencies in Scotland and England and for any constituency larger than 12,000 square kilometres (of which Northern Ireland has none). Rule 7 of the legislation allows the Boundary Commission for Northern Ireland to define constituencies with electorates which vary by more than 5% from the UK electoral quota within prescribed circumstances, that is, a calculation based on the electorate of Northern Ireland and the UK Electoral Quota (this condition was met for the 2018 Review); and where the Commission is satisfied that the application of the electoral range would unreasonably impair their ability to apply discretionary factors or would jeopardise their reporting deadline.

The government has introduced amending legislation into Parliament, which if enacted, will change the existing rules and arrangements for the 2023 Review. Details of the amending legislation and its passage through Parliament can be found here - <https://services.parliament.uk/Bills/2019-21/parliamentaryconstituencies.html>

2.2 Framework Document

The Commission operates in accordance with a Framework Document which outlines the respective roles of the Commission and the Northern Ireland Office and the governance arrangements between them.

2.3 Data Protection

Our handling of personal information under General Data Protection Regulations and Data Protection legislation is covered by the Commission's registration with the Information Commissioner's Office. Our Publication Scheme sets out our privacy policy for handling any personal information contained in representations we receive.

3. Enquiries and Information

The Commission uses its website and social media presence on Twitter as channels to inform the public about our work. In addition, the Secretariat responds to requests for information made by email, letter or phone.

3.1 Enquiries

The Commission has a Freedom of Information policy which incorporates the Information Commissioner's Office (ICO) model Publication Scheme for public bodies under the Freedom of Information Act 2000. The Commission's Policy and Publication Scheme is available on its website, or a copy can be provided on request.

During the period of this Report the Secretariat received and responded to a small number of enquiries relating mainly to the ongoing work of the Commission. Six requests for information were made under the Freedom of Information Act and all were answered within the statutory deadline for dealing with such requests. These enquiries concerned various contracts relating to the Commission's IT provision, Facilities Management provision and handling of information. No requests for review or appeals to the Information Commissioner's Office were made regarding the handling of these information requests.

3.2 Website

The Commission's website is the primary means of making information available to the public. Information relating to the 2018 Review and the Commission's operations is published on the website. The Commission also has a Twitter account to help reach a wider audience. During the period of this Report the website was updated as required.

4. The 2018 Review of Parliamentary Constituencies

4.1 The Review

The Commission announced the start of the 2018 Review of Parliamentary Constituencies on 24 February 2016. A 12 week public consultation on the Commission's Provisional Proposals was then held in autumn 2016. The planned four-week secondary consultation, which was delayed by Northern Ireland Assembly elections and Westminster parliamentary elections in May 2017, began on 5 September 2017.

Once all responses from both consultations had been carefully considered by the Commission and a number of alternative proposals modelled and tested, Revised Proposals were published on 30 January 2018 for an eight week consultation period, which ended on 26 March 2018.

The Commission carefully considered all of the responses received in the development of its Final Recommendations and presented these to the Secretary of State for Northern Ireland on 5 September 2018.

4.2 The Legal Challenge

The Commission received a Pre-Action letter in September 2018 following the publication of the Final Recommendations Report with leave being granted to the Applicant for a Judicial Review on 11 February 2019 on a limited number of grounds. There then followed an extensive period of work involving the Commission Members, Secretary and legal advisors to prepare and submit a responding skeleton argument and affidavit.

The Judicial Review hearing took place on 2 May 2019 with judgment given on the 28 May 2019. It found for the Commission on 3 of the 4 grounds of challenge and for the Applicant on one ground of challenge. Following the provision of written submissions, the Judge held a remedies hearing on 6 June 2019 and indicated that he was minded to attach a declaration to the Order in Council that would be presented to Parliament in due course.

At this point there was a request from Cabinet Office to intervene in proceedings, which was granted, and a hearing was held on 14 June 2019. The Judge then issued his final remedies at the end of June indicating that he did not now require a declaration to be attached to the Order in Council when proceeding through Parliament and that the Final Recommendations Report was not quashed but could proceed unhindered in its current form.

On 26 July 2019 the Applicant submitted a Notice of Appeal to the Court indicating that they wished to appeal the judgment and the remedies. The Commission subsequently submitted a cross appeal. The Court of Appeal heard from both sides on 23 & 30 January 2020. Although outside the period of this report, it is worth noting that the Commission drew the Court of Appeal's attention to the new legislation being brought forward by the government and suggested they may wish to consider the appeal as academic given that the new legislation would void the entire 2018 Review. The Court decided to proceed with the appeal and issued its judgment on 4 June 2020 requiring the Commission to reconsider their Final Recommendations report. However, the judgment also set out that no reconsideration by the Commission was required should the new legislation be enacted so as to abandon the 2018 Review. A full account of activities associated with the legislation currently being taken forward by government will be reported on in the 2020/21 Annual Report.

5. Other activities

5.1 Accommodation and IT provision

The Commission is located in the Bungalow, Stormont House, Stormont Estate, Belfast BT4 3SH.

Throughout the duration of this report the Commission has continued to utilise the comprehensive service provided by IT Assist for all IT and telephony requirements.

5.2 Risk Management

We have developed a Risk Management framework which we keep under continuous review.

5.3 Staffing and training

Training continued to meet staff and Commission requirements.

5.4 Liaison with others

5.4.1 Northern Ireland Office

We have regular contact and dialogue with the Northern Ireland Office as our sponsoring department in line with the Framework Document.

5.4.2 Other Boundary Commissions

The Commission maintains regular contact with the other UK Boundary Commissions on matters of mutual interest. The Commission attended the annual meeting of UK Boundary Commissions in London during November 2019.

5.4.3 Land and Property Services

During the period of this report the Commission has had regular contact with Land and Property Services (LPS) in relation to the GIS technology needed to support the a Parliamentary Review and has commenced early preparation for the 2023 Review.

5.4.4 Northern Ireland Statistics and Research Agency

The Commission liaises with staff of the Northern Ireland Statistics and Research Agency (NISRA) in relation to statistical, geo-statistical and mathematical matters.

5.4.5 The Electoral Office for Northern Ireland

The Commission liaises with staff of the Electoral Office for Northern Ireland in relation to information and advice on electoral registers required for a Parliamentary Review

6. Expenditure

The Commission incurred the following provisionally calculated expenditure in the financial year 2019/2020.

Operational Expenditure 2019/2020

2019/2020 Expenditure (£k)	
Staff Costs:	
Salaries & related costs	77,778
Commissioners' costs:	
Members' attendance allowances	24,039
Non-Staff Costs:	
Accommodation & Related Costs	30,779
Travel & Other Expenses	1,883
Advertisements & Publicity	-
IT & telephony	4,495
Stationery, postage & printing	57
Total	139,031

Salary costs are determined by the pay arrangements for our staff who are on loan or secondment from government departments. Related costs include the costs of professional staff support from other government agencies such as LPS. Travel and subsistence incurred in the course of official business are paid at Northern Ireland Office rates.

Commissioners' fees are determined by the Secretary of State for Northern Ireland and cover attendance at scheduled meetings and associated preparation, meetings held with other UK Boundary Commissions and ad hoc meetings held with other bodies. The fee rate for Commissioners is £505.50 per day and has been unchanged since April 2009. Travel and subsistence in the course of official business are paid at Northern Ireland Office rates.

7. Further information

If you have a query which cannot be answered by this report or from the Commission's website www.boundarycommission.org.uk please contact us either by email, telephone or in writing at:

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