



ANNUAL REPORT

1 April 2018 – 31 March 2019

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Deputy Chairman's Report

The Boundary Commission for Northern Ireland commenced the 2018 Review of Parliamentary Constituencies on 24 February 2016. The Commission published its Initial Proposals in September 2016 and undertook 2 rounds of public consultations. Having considered all of the responses received in line with the statutory requirements, the Commission published Revised Proposals in January 2018 for public consultation. The Commission considered all of the responses received within the statutory framework and completed its work on 5 September 2018 when its Final Recommendations were provided to the Secretary of State.

I am particularly grateful to my Commissioner colleagues, Dr Bill Smith and Ms Sarah Havlin for their diligent approach throughout the 2018 Review, ably supported by our Secretary, Mr Eamonn McConville and his team in the Secretariat. I would like to pay tribute to Dr Bill Smith who completed his terms in office in May 2019. His contribution to the work of the Boundary Commission has been invaluable.

I would like to record my thanks to all of the Commission Assessors and their staff who were of great assistance throughout the 2018 Review.

Following the submission of Final Recommendations to the Secretary of State, the Commission received a Pre-Action letter challenging the Commission's Report. In February 2019 the Applicant was granted leave to bring a Judicial Review and that was heard on 2 May 2019 with the judgment handed down on 28 May 2019. The Applicant submitted a Notice of Appeal on 26 July 2019 and the Commission has responded with a cross Appeal. Work on this legal matter continues.

The Hon Madam Justice McBride DBE, QC
Deputy Chairman

October 2019

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. Reviews are carried out every five years. The Commission was reconstituted in November 2015 to commence preparatory work for the 2018 Review.

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 Chairman is the Speaker of the House of Commons, as is the case for the Parliamentary Boundary Commissions in England, Scotland and Wales. The Deputy Chairman of the Commission is a judge of the High Court appointed by the Lord Chief Justice of Northern Ireland. 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.

The **2018 Review** concluded with the following Commission:

Chairman:	The Speaker of the House of Commons
Deputy Chairman:	The Hon Madam Justice McBride DBE, QC
Members:	Dr William Smith Ms Sarah Havlin
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 on six occasions during the period covered by this report. These meetings were used to discuss the outcome of the Revised Proposals consultation and development of the Final Recommendations.

It has also been necessary for Commission Members and Secretary to meet with legal advisors and others in the course of the legal challenge to their Final Recommendations Report.

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.

Following the conclusion of the 2018 Review the Secretariat reduced to a complement of one by end of December 2018.

The work of the Secretariat included:

- facilitating Members' work on the ongoing boundary review, including the completion of extensive analysis on Review data; delineation and testing of submitted models and the production and testing of boundary options;
- managing the consultation process including the introduction of an online consultation portal to allow direct submission of responses; the expansion of public hearings to facilitate participation in the Review; and the introduction of a social media presence to encourage as wide and diverse range of views to during the consultations;
- dealing with administrative matters such as finance, procurement 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, Parliament and Northern Ireland Assembly members; and
- maintaining the Commission's [website](#).

In addition, the Secretary has worked extensively with legal advisors and Members since September 2018 addressing the issues raised in the Judicial Review challenge. This has included a heavy reliance on the considerable institutional knowledge available to the Secretary as well as a forensic knowledge of the data held within the Commission's records management system.

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.

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 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.

The Commission carried out significant preparations for the introduction of the General Data Protection Regulations (GDPR). This ensured that the Commission was GDPR compliant by the implementation date of 25 May 2018.

3. Enquiries and Information

The Commission uses its website and Twitter presence as channels to inform the public about our work. In addition, the Secretariat responds to requests for information made by email, letter or phone and issued press releases at key stages of the 2018 Review process.

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. Four 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 technical contracts related to the Commission's IT provision. 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. A range of information is published on the website including relevant legislation, a guide to the 2018 Review, press releases and all relevant Boundary Commission reports together with copies of constituency maps. The Commission also has a Twitter account ([@BCNI2018](https://twitter.com/BCNI2018)) to help reach a wider audience. During the period of this Report the website was updated with all relevant documents and maps relating to the 2018 Review.

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 as it proceeds through Parliament and that the Final Recommendations Report was not quashed but could proceed unhindered in its current form.

On the 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. That appeal is currently on-going.

During all of this time the Commission Secretary has worked extensively with Commission Members, legal advisors and the Court to ensure that the Commission's work and efforts have been represented fairly.

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 2018 Review the Commission has continued to utilise the comprehensive service provided by IT Assist for all IT and telephony requirements. Additionally, the GIS technology secured through Land & Property Services has been extremely beneficial to the Commissioners in exploring alternative constituency models throughout the 2018 Review.

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 Review 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 Edinburgh during November 2018.

5.4.3 Land and Property Services

The Commission has regular contact with Land and Property Services (LPS) including access to the mapping and charting staff; mapping data products; and GIS technology needed to support the a Parliamentary Review. The Commission also benefits from technical advice and support provided by LPS.

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 the provision of advice on 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 2018/19.

Expenditure 2018/19

2018/19 Expenditure (£k)	
Staff Costs:	
Salaries & related costs	138.9
Commissioners' costs:	
Members' attendance allowances	29.3
Non-Staff Costs:	
Accommodation & Related Costs	14.9
Travel & Other Expenses	0.8
Advertisements & Publicity	0.0
IT & telephony	7.7
Stationery, postage & printing	3.0
Depreciation	1.4
Total	195.9

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. Throughout the period covered by this Report, the Secretariat continued to identify and implement efficiency savings wherever possible, with over £25k surrendered back to the sponsoring department (NIO) across the 2017/18 Monitoring Rounds.

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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