

Public Hearings – Finalising Policy

Background

1. Section 5(1)(b) of the Parliamentary Constituencies Act 1986 ('the Act') requires public hearings to be held during the initial consultation period (specifically during weeks 5-10 of the overall 12-week period). Schedule 2A to the Act (provided at Annex A for ease of reference) makes more detailed provision for these public hearings, but leaves a number of matters within the discretion of the Boundary Commissions and those who chair the public hearings.
2. In consequence of the Commission's current planning assumption that it will publish its initial proposals in week commencing 12 September, public hearings will therefore take place from week commencing 10 October, and conclude mid-late November.
3. This paper sets out a number of recommendations for consideration by Members:
 - The number and location (subject to availability of suitable venues) of the hearings in each region (the Secretariat's recommendations are listed at Annex B);
 - That Assistant Commissioners, as previously, should be appointed to act as the statutory Chairs of the hearings;
 - That hearings in a region are clustered together in time, where possible, to help build focus and attract media interest in a region;
 - That the Chair would ultimately be responsible for running the hearing on the day, but would be expected to do so within the Commission's framework and guidance;
 - That each hearing should last the full two days allowed under the Act, with the first day advertised as starting around 11am and finishing at 7 or 8pm, and the second day advertised as 9am-5pm, but with the flexibility to run beyond 5pm if necessary, or close before 5pm if very poorly attended. The hearings would be weekdays only.
 - Presentations at hearings should be in short prescribed time periods, which would need to be booked in advance if the individual wished to ensure they were able to speak. Individuals not booking in advance may be allowed to speak at the discretion of the Chair, with the assumption that they would be accommodated if there was space;
 - Questioning at hearings should be restricted to clarification and should be directed through the Chair, i.e. should not be in the adversarial style of direct 'cross-examination' of another's representations;
 - A verbatim transcript (and if possible video recording) should be taken of every hearing, which would then be included for equal consideration alongside all written representations from that region. As in the last review, there would

be no separate report of a particular hearing submitted by the Assistant Commissioner chairing it.

- That the first day of the hearings in each region be designated a 'lead hearing', with the five main political parties each being given the opportunity of a 30 minute slot to present their overall 'whole-region view', allowing them to focus on the local area at subsequent hearings in that region.
4. Members met with the political parties on 25 February, to discuss with them the initial proposals for public hearings. Many of the points above were touched on in that meeting, and the Secretariat's recommendations are in line with what was proposed and agreed with the parties then.

Consideration and recommendations

5. Members are invited to agree the individual recommendations highlighted in bold below.

Number, location and dates of public hearings

6. Following a discussion within the Commission, it was agreed for the current number of the hearings to remain the same in each region as at the 2013 Review. However, in that review, some of the venues for the hearings in four regions were located remotely out of town, which made accessibility by public transport very difficult. Additionally, some town and cities selected were ultimately shown to be sub-optimal, as they were very poorly attended. Further, in London, we propose to commissioners that more sub-urban (but accessible) locations are chosen as the locations in the last review were geographically quite close. We propose therefore, to change the locations of some hearings, and our detailed proposals are as set out in Annex B. As in the last Review, the number and distribution of hearings across the regions sees a broad parity between the regions in the ratio of hearings to electors/proposed constituencies. There are no particular issues of significant complexity or controversy in regions allocated less than the maximum number of hearings that have not already been taken into account in the proposed allocation. With a limited resource, the most effective deployment of that resource is to target our efforts towards those areas where there are the greater number of proposed constituencies (whilst taking into account areas of likely complexity). **We therefore recommend that the Commission approve the number and location of public hearings proposed in Annex B.**
7. The Commission in the February meeting with political parties undertook to consider whether specific dates and locations of hearings might be published before the initial proposals themselves. The Secretariat recognises that such early notification can help stakeholders with logistical arrangements to ensure they are able to engage with the consultation. We will make all endeavours to source and secure appropriate venues, commencing as soon as Commissioners agree the locations, and will aim to have completed this process by the time text for the 'Guide to the 2018 Review' has to be fixed for

publication (July). If that is achieved, the information could be included in that Guide. If that is not possible, it would still be possible to provide the information as soon as possible thereafter, either directly just to key stakeholders (e.g. the political party representatives), or to widely publish the information on our website and social media prior to publication of the substantive initial proposals. Overall, **we recommend wide publication of the final details of public hearing arrangements at the earliest opportunity once all venues have been secured.**

8. Also of relevance under this heading is the question of the interpretation and application of a “week” (the Act refers to public hearings taking place beginning with the fifth week of the initial consultation period and ending with the tenth). Legal advice sought at the last review confirms that a ‘week’ should be interpreted as ‘seven consecutive days’. The Commission is currently planning to launch the initial proposals on Tuesday 13 September (to enable embargoed advance copies to be issued on the Monday), which would mean the first week of the hearings would strictly only commence on Tuesday 11 October. There is only one hearing proposed for early in the first week of hearings, so we do not believe this will be a problem, even though we would otherwise recommend having the hearings on Monday/Tuesday and Thursday/Friday (to allow travel time between hearings in the same region for AC Chairs, staff, and key stakeholders). **We recommend that you agree the hearings be held on Monday/Tuesday and Thursday/Friday, with the only the very first hearing held on a Tuesday/Wednesday.**

Timing of hearings

9. As with the last review we propose there should be a **full two days for every hearing, with 10am – 8pm (with afternoon adjournment) on the first day, and 9am – 5pm regular hours (with lunch adjournment) on the second day.** This offers the maximum flexibility for people to be able to attend on one or other of the two days.
10. For resource reasons, **we recommend that each hearing should be held on two consecutive days** (thus avoiding the additional costs of duplicate travel or extended subsistence). For the avoidance of doubt, this would exclude the option of the first day of a hearing taking place on a Friday and the second day on the following Monday. As the limited staff and Assistant Commissioner resource is allocated by region, we further recommend that although hearings will need to run in tandem in separate regions, **hearings in the same region should not overlap.** As requested by the political parties, we agree that it would also be sensible to avoid clashes of ‘lead’ regional hearings (see below) in England, wherever possible: we believe it should be possible to achieve this in England, though it may not be possible to also avoid clashes with hearings in the other parts of the UK.
11. At the 2013 Review no hearings were held at weekends, as this would have presented the Commission with serious resource issues, due to the greatly

restricted availability and increased cost of using staff and Assistant Commissioners at the weekend. There is a reasonable expectation that those with a strong desire to speak at a hearing should be prepared to make themselves available (e.g. by taking leave of absence from a job), and others (e.g. MPs) may have jobs that enable them to work flexibly around attendance at a hearing. We will also reinforce the message that it is not necessary to attend a hearing in order to make your view known, i.e. a written representation would carry equal weight. Accordingly, **we recommend that hearings should again be held only on weekdays.**

Chairs

12. In the 2013 Review, the 'lead' Assistant Commissioner for a region was expected to chair as many of the hearings as possible in their region. Changes in the role Assistant Commissioners are expected to play in the 2018 Review mean that there is no longer a designated 'lead' for a region. Instead, **we recommend all Assistant Commissioners should be expected to attend – and make themselves available for chairing – as many of the hearings in their region as possible.** This should ensure all members of each regional team of Assistant Commissioners make an equal contribution and are equally sighted on the issues.
13. As at the 2013 Review, **we recommend the Commission issue all Assistant Commissioners with detailed guidance – in addition to that prescribed in the Act – on how the public hearings should be run.** This will help to ensure that the public hearing experience is consistent across the whole of England. If the Commissioners agree, the Secretariat will provide a draft of such guidance for their approval by correspondence following the meeting.

Presentations

14. There was a pre-booking system at the last review, and **we recommend the same broad arrangements for pre-booking to attend a hearing be put in place for this review.** We propose an online booking system for members of the public to book speaking/ presentation slots in advance of the hearing. The booking facility will be advertised wherever information about the hearings is presented. The pre-booking system for a hearing will close seven days before the hearing, but it will remain possible for an individual to attend and request to speak on the day, subject to the Chair's agreement.
15. At the last review, the presentation slots were 15 minutes, but the parties have agreed that this was generally proved to be too long in practice for the majority of presentations. We therefore propose to reduce the presentation slot to 10 minutes: should a presenter feel they need more time, they will be able to request two slots. There is a need to emphasise the value of 'short sharp contributions' (the comparison with time-limited debates on key announcements in the Commons was made). **We recommend that you agree to the proposed 10 minutes presentation slot, with an advance booking system**

available, but flexibility to accommodate ‘walk-up’ speakers wherever possible.

16. At the last review, presenters were asked to make available their presentation beforehand, and advised that support for visual aids would be made available wherever possible. This assists the administration of the hearing, as it is sometimes difficult to secure – in the midst of a busy hearing - the supporting evidence a speaker may have referred to in their presentation, and a synopsis or written version of their presentation can greatly assist with ensuring the accuracy of the subsequent transcription of the hearing. Although not many people did provide these materials at the last review, **we therefore recommend again that a presenter be asked to provide a synopsis or written version of their presentation, together with any supporting material, at the time they make their booking.** Whilst the Commission will provide a laptop and projector to enable display of a Powerpoint or Google Slides visual presentation, support for other specific visual aids will need to be requested at the time of booking, and the Secretariat will make reasonable efforts to facilitate that. **We recommend the Commission promotes the use of visual aids, and requests that presenters let the Secretariat have reasonable advance notice of any support needed to enable use of those.**
17. There is a statutory requirement that each hearing commence with a description of the initial proposals. As with the approach for the 2013 review, **we recommend that the initial presentation be given by the senior member of the Secretariat present, and should be relatively brief, setting out the overall picture for the region and focusing on those key points where there is believed to be the greatest likelihood of complexity or controversy (as well as outlining how to make a written representation).**

Questioning

18. As in the last review, we suggest taking the approach that questions should be of clarification only, and directed through the Chair, to avoid adversarial ‘cross-examination’, which potential speakers may otherwise find intimidating. **We therefore recommend that this approach again be approved.**

Transcripts

19. We propose a verbatim transcript should be taken of every hearing, which would then be included for equal consideration alongside all written representations from that region. We are also exploring the additional option of using video recordings of the hearings: more information will be provided on this in due course. **We recommend that visual aids used at a presentation be appended to the relevant transcript.** The Act requires that the record of the hearing be published after the end of the overall initial consultation period. In order to reinforce their equivalent weight and status, **we recommend that the transcripts (and any video recordings) be published at the same time as**

the written representations, at the start of the secondary consultation period.

Lead hearings

20. As at the last review, we propose the first hearing in a region be designated a 'lead' hearing, at which each major political party can give a 'whole region' view on the proposals and any variation they would wish to see (as described above). This did not encourage other parties to attack each others' representations in subsequent hearings. Such potential was generally eliminated by self-regulation of the parties and ultimately the control exercised by the Chairs, not least as the statutory purpose of the initial consultation period is to support or object to only the initial proposals put forward by the Commission itself (the secondary consultation period being reserved for comment on the views of other respondents). It should also be noted that the concept of a 'lead' regional hearing had some value as a promotional opportunity, i.e. encouraging media interest and therefore public awareness and interest in the region generally, with then provided a boost to take-up of speaking slots in subsequent hearings in the region. Accordingly, **we recommend that a system of 'lead hearings' again be utilised.** The proposed location of the lead hearings are shown in bold on Annex B.
21. At the meeting on 25 February, the political parties raised the question of whether the extended time slot opportunity to present a regional view would be offered to other organisations, particularly given the risk that the extended time slots would eat away at the time available for others to make their shorter presentations. It is entirely possible that other organisations or individuals will have a 'regional view' that they may wish to present. However, the time available for these hearings is extremely limited under the statutory provisions. **We therefore recommend that only the five main political parties should be guaranteed a 30-minute extended time slot in the regional lead hearing.** It will remain possible for any individual to secure a 20-minute 'double-slot' via the pre-booking system for any hearing, but additional time on top of that should only be possible to be granted by the Chair on the day, in light of the immediate demand for other slots that they are able to assess there and then.

Next Steps

22. Following decisions taken above, the Secretariat will:
- map out the final matrix of dates and locations of hearings;
 - book appropriate venues; and
 - draft guidance for the Assistant Commissioner Chairs on the procedure for the public hearings (including matters such as agreeing speaking slots). This draft guidance is likely to be worked up through June and early July, for Commissioners approval by the end of July, ready for Assistant Commissioners appointments commencing on 1 September, followed by their induction and training.