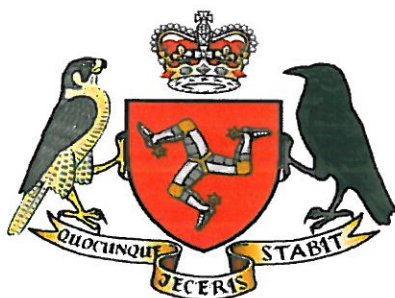


Government Document 0049/11

## BOUNDARY REVIEW COMMITTEE



**Isle of Man**  
**Government**

*Reiltys Ellan Vannin*

### **INTERIM REPORT TO TYNWALD OF THE BOUNDARY REVIEW COMMITTEE UPON THE BOUNDARIES OF THE CONSTITUENCIES FOR ELECTIONS TO THE HOUSE OF KEYS**

November 2011

Price: £2.30

**INTERIM REPORT TO TYNWALD OF THE BOUNDARY REVIEW COMMITTEE  
UPON THE BOUNDARIES OF THE CONSTITUENCIES FOR ELECTIONS TO  
THE HOUSE OF KEYS**

**Chairman:**

Ms S M Bolton

*Sally Bolton*

**Members:**

Mr T R A Groves

*T R A Groves*

Mr J A Lewis

*J A Lewis*

Mr R F Riding

*R F Riding*

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**To the Hon Clare Christian MLC, President of Tynwald, and the Hon Council and Keys in Tynwald assembled.**

**1. Remit**

1.1 It was resolved at the July 2010 sitting of Tynwald that "pursuant to Section 11 (5) of the Representation of the People Act 1995 Tynwald requests the Governor in Council to recommend the appointment of a Boundary Review Committee to review the number and boundaries of the constituencies for election to the House of Keys and to report thereon to Tynwald".

1.2 The Boundary Review Committee comprising:

Chairman: Ms S M Bolton  
Members: Mr T R A Groves  
              Mr J A Lewis  
              Mr R F Riding

was appointed by the Governor in Council on 23 November 2010. The Information Pack for the appointment of members to the Boundary Review Committee is at Appendix A.

**2. Summary**

2.1 This interim report to Tynwald identifies certain fundamental principles crucial to the electoral process. These principles are:

- Equality of Representation
- Equivalency of Constituencies
- Registration of Voters
- Regular Electoral Process Review

2.2 The recommended resolutions set out in paragraph 9 (a - e) and discussed in more detail in paragraphs 5 - 8, submitted herein to Tynwald for approval, seek to have these principles recognised as being core to the electoral process and our Island democracy before we proceed to consider, in more detail, how the existing boundaries might be changed.

**3. Discussion**

3.1 With the assistance of the Chief Secretary's Office (CSO) and following the Code of Practice on Consultation we have taken evidence from the various interested parties listed in Appendix B. Response from the general public was invited also by way of advertisements in the press and articles identifying the issues. The matter has also been promoted and discussed on Manx Radio and has generated opinion from the Manx Public by way of a newspaper Online Poll. So far as was possible we

made the information and views collected especially from the Economic Affairs Division of Treasury publicly available under the relevant headings on the CSO website. However despite a number of our witnesses having considerable interest in electoral matters, many of them remained unaware of the information located there. One of our aims is to make as much information as possible, that we have gathered, available to the public to raise awareness. Thereby, regardless of any decisions made on the content of our Report, the research would be available within the public arena and to any future Committee so that there could be informed debate on the issues. However, perhaps consideration should be given to establishing dedicated specific links within relevant online media to assist discussion.

- 3.2 We are aware that previous Reports<sup>1</sup> over more than 30 years, whilst stating what they believed to be fundamental principles that should underpin the electoral process, have not resulted in a clear direction being given by Tynwald at the time as to those principles. From all of our work to date that identifies these principles, which have been acknowledged by the majority of our witnesses as being fundamental, we have noted that there is a strong desire to see urgent and strategic change to support and give confidence and substance to the aim of the Isle of Man to be a model of democracy in the modern world.
- 3.3 However we acknowledge that it has been difficult for Tynwald in the past, when considering all of the detail of these reports, to act in unison on the principles as diverse interests and views upon the detail may have influenced the voting strategies of individual members.
- 3.4 Accordingly we submit for approval this Interim Report dealing with the principles that we consider as vital for Tynwald to resolve before any further consideration of possible constituency changes, either in terms of numbers of electors, representatives or the boundaries takes place.

#### **4. The Principles**

- 4.1 It is clear from all the evidence that we have taken and the views that have been expressed to us that certain fundamental principles underpin the processes of free and fair democracies. This Report therefore recommends that Tynwald confirm these fundamental principles and affirms its support for them. Following such confirmation we can develop these into detailed recommendations in our final Report for approval by Tynwald.

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<sup>1</sup> Report of the Commission on the Representation of the People Acts “The Butler Report 1980”.  
Report of the Boundary Review Committee – Callow Report (Constituency boundaries – re Representation of the People Act) 1994.  
Interim Report to Tynwald on the Boundaries of the Constituencies for Elections to the House of Keys “The Quayle Report 2006”.

- 4.2 Guided and informed by previous Boundary Committee Reports submitted to Tynwald over more than 30 years and the comments expressed by Tynwald upon the views put forward in those reports, we believe that these fundamental Principles should be approved by Tynwald; in effect, a Declaration of Intent that will guide all future considerations of the electoral process within our democracy.
- 4.3 Such unequivocal Declaration of Intent would demonstrate Tynwald's recognition of the Principles that it believes should be the basis of our democracy and the democratic process within the Isle of Man not only to the citizens of the Island but also the wider International Community.
- 4.4 The Principles that we have identified are:
- Equality of Representation
  - Equivalency of Constituencies
  - Registration of Voters
  - Regular Electoral Process Review

With such strategic principles in place as the clear policy of Tynwald the work of future Electoral Committees or Commissions would naturally be able to focus on the details needed to maintain the principles and keep them relevant and effective.

## **5. Equality of Representation**

- 5.1 Almost all of the views submitted to us make one very clear point. That point is the gross distortion within our electoral system whereby a mixture of single and multi seat constituencies results in voters in some constituencies having ONE vote, some having TWO votes and some having THREE votes.

The principle of all voters having the same number of votes should be incontrovertible and so we ask Tynwald to support the resolution below that seeks to have a consistent approach throughout all constituencies.

What that consistency should be remains to be determined but we submit it must be right that the principle of equality of representation is enshrined in policy.

Our recommendation is stated at 9a.

## **6. Equivalency of Constituencies**

- 6.1 It must be the case that from time to time constituency boundaries are reviewed to see if any adjustment should be made to ensure most constituencies have as close to equal a number of electors per MHK as is possible. From examination of the 2011 House of Keys General

Election results, the current electoral roll and with provisional information from the 2011 census, the indications are that there are some wide differences in numbers that result in inequality and possibly unfairness that should be addressed. (See Appendix C)

- 6.2 It is the case internationally, and this has been accepted by previous Tynwalds, that equivalency should be sought across all constituencies and that a divergence of 15% to the average should be the maximum allowed within the calculations. Given the nature of the Island and the sensitivities of local boundaries other than constituency we recommend below an allowance figure of no greater than 15% be used in such calculation.

It must be determined whether such calculations should be based on the number of voters listed on the electoral register or on the number of people living within each constituency. The majority of our witnesses expressed a preference for population living within a constituency to form the basis for such calculations.

Our recommendation is stated at 9b.

## **7. Registration of Voters**

- 7.1 The ratio of island residents qualified to vote registered upon the electoral roll is lower than one would hope for, about 88% (based upon 2011 electoral register and 2011 provisional census figures). This figure is, we suggest, below that which should be aspired to as a matter of policy. We understand that in neighbouring jurisdictions the registered electors may be between 90% and 95% of the total population. We suggest there should be an aim for at least 95% of those qualified to vote to be so registered which may, inter alia, require a review of the qualification period.
- 7.2 All possible voters should be registered and these registers kept up to date. We would also suggest that active encouragement should be given to ensuring minority ethnic communities are familiar with and take part in the electoral process. It may well be that Tynwald might consider that registration should be compulsory. Voter registration has increased recently (perhaps because being so registered is an important element in the credit approval systems) and such a trend should be followed up.

Our recommendation is stated at 9c.

## **8. Regular Electoral Process Review**

- 8.1 As has been proposed to Tynwald before (but not so far actioned) we believe that an independent electoral body such as this committee should become permanently established as part of the processes contained within the Representation of the People Act 1995 as



amended - Section 11(5). We would suggest that this body, following its incorporation into the Act, is given the task of reviewing the electoral constituency boundaries after each second General Election. To ensure that its findings are fully considered in open forum we would further suggest that its recommendations, if any, are mandated by the Act to be taken to Tynwald no later than eighteen months after each second general election anniversary for consideration, with more frequent reports being submitted if specifically required.

With such strategic principles in place as the clear policy of Tynwald the work of future electoral committees or commissions would naturally be able to focus upon the relevant details needed to support these principles and give effect to them.

Our recommendation is stated at 9d.

## **9. Recommendations and Resolutions**

- a) Tynwald accepts the principle of equality of representation so that all constituencies each return an equal number of Member(s) to the House of Keys
- b) Tynwald accepts the principle of equivalency across the constituencies, confirms that the allowance figure for variance should be no greater than 15%, and agrees that the relevant calculations should be based upon population numbers in each constituency
- c) Tynwald accepts the principle of seeking to achieve 95% of the population qualified to vote being so registered and that proposals be submitted to attain this aim
- d) Tynwald accepts the principle of regular review of the number and boundaries of the constituencies and agrees to the establishment, by the Governor in Council, of a permanent independent electoral committee or commission following each second general election anniversary. Such body must report to Tynwald no later than eighteen months after its appointment but be given powers to report more frequently to Tynwald if specifically required.
- e) Tynwald hereby directs the Boundary Review Committee to complete its report in accordance with these approved principles and to report back no later than the December 2012 sitting of Tynwald



**CHIEF SECRETARY'S OFFICE**  
*Oik yn Ard-scrudeyr*

**APPOINTMENT OF MEMBERS TO THE  
BOUNDARY REVIEW COMMITTEE**

INFORMATION PACK

Contents

Introduction

The Committee

The role of the Chairman and Members

Reporting period

Background Information

Remuneration of Chairman and Members

November 2010

## **THE BOUNDARY REVIEW COMMITTEE**

### **1. Introduction**

Tynwald agreed in July 2010 that pursuant to Section 11 (5) of the Representation of the People Act 1995, Tynwald requests the Governor in Council to recommend the appointment of a Boundary Review Committee to review the number and boundaries of the constituencies for election to the House of Keys and to report thereon to Tynwald.

### **2. The Committee**

#### **Title**

The Committee will be known as the Boundary Review Committee.

#### **Composition of the Committee**

The Boundary Review Committee will be appointed by the Governor in Council and will consist of a Chairperson and members. The number of members will be determined by the Governor in Council.

#### **Secretariat Services**

The Chief Secretary's Office will provide the secretariat services for the Boundary Review Committee.

#### **Chairperson**

The Chairperson, shall be appointed by the Governor in Council. In the absence of the Chairperson, the Committee shall appoint a temporary Chairperson from amongst its members.

### **3. The role of the Chairman and Members**

It will be a matter for the Boundary Review Committee itself to decide how many times and how frequently it meets.

### **4. Reporting period**

The Governor In Council has invited the Committee to report to Tynwald no later than 31<sup>st</sup> December 2011 and that if it is necessary the report can be an Interim Report.

### **5. Background Information**

The last Boundary Review Committee, chaired by Mr Robert Quayle, produced an Interim Report dated January 2006. The interim report's recommendations were approved by Tynwald subject to some amendments.

It was resolved at the April 2009 sitting of Tynwald that pursuant to section 11(5) of the Representation of the People Act 1995, Tynwald supported the

Governor in Council dissolving the Boundary Review Committee. Tynwald further agreed that after the outcome of the Constitution Bill 2007 was determined, the Governor in Council would be requested to recommend the appointment of a new Boundary Review Committee to review the number and boundaries of the constituencies for election to the House of Keys and to report thereon to Tynwald.

Although the outcome of the Constitution Bill 2007 has not been determined, Tynwald resolved in July 2010 that the Governor in Council recommend the appointment of a Boundary Review Committee to review the number and boundaries of the constituencies for election to the House of Keys and to report thereon to Tynwald.

## **6. Remuneration to Chairman and Members**

Members of the Boundary Review Committee including the Chairperson shall be remunerated in accordance with the provision of the "Attendance Allowances Order 2008" which is £78 per morning or afternoon session up to a maximum of £130 for a full day meeting.

The following travel allowance is also paid in accordance with the "Travelling Allowances Order 2006".

Up to 1299cc	46p per mile
1300 cc and above	52p per mile
Motorcycle	26p per mile

**RESPONSES RECEIVED**

The Hon N Q Cringle OBE MLC (President of Tynwald)  
The Hon S C Rodan SHK  
Hon D Anderson MHK  
Mr D Callister MLC  
Mr D Cannan MHK  
Mr W J H Corlett (Attorney General)  
Mr R W Henderson MHK  
Mr W Malarkey MHK  
Mr R Phillips (Clerk of Tynwald)  
Hon M Quayle MHK  
Mr C Robertshaw MHK  
Hon E Teare MHK  
Mr J Watterson MHK

Mr D Bairstow  
Mrs D Caine  
Mr D Fisher  
Ms A Green  
Mr J Grimson  
Mr A Jessopp  
Mr J O'Hanlon  
Mr D Prater  
Ms C Pritchard  
Mr R Rawcliffe  
Mr W Tomlinson (Positive Action Group)

Mr Steven Quayle (Returning Officer)  
Mr L Vaughan-Williams (Returning Officer)

Arbory Parish Commissioners  
Borough of Douglas  
Braddan Parish Commissioners  
Bride Parish Commissioners  
Castletown Town Commissioners  
Laxey Village Commissioners  
Lezayre Parish Commissioners  
Lonan Parish Commissioners  
Malew Parish Commissioners  
Marown Parish Commissioners  
Maughold Parish Commissioners  
Michael Parish Commissioners  
Patrick Parish Commissioners  
Peel Town Commissioners  
Ramsey Town Commissioners  
Rushen Parish Commissioners

(Responses from Mr D Fisher, Mr W Malarkey MHK and Mr J O'Hanlon received after the end of the Consultation period but accepted by the Committee)

## Appendix B (2 of 2)

Oral Evidence was received from the following persons:-

The Hon S C Rodan SHK, Garff  
Hon D Anderson MHK, Glenfaba  
Mr D Callister MLC  
Mr D Cannan MHK, Michael  
Mr T Crookall MHK, Peel  
Mr R W Henderson MHK, Douglas North  
Hon M Quayle MHK, Middle  
Hon E Teare MHK, Ayre  
Mr J Watterson MHK, Rushen

Mr J Grimson  
Mr A Jessopp  
Mr J Kennaugh CP JP  
Mr D Prater  
Mr W Tomlinson (Positive Action Group)  
Mr J Wright

Douglas Corporation  
Mr Councillor D Christian (Leader of the Council)  
Miss K Rice (Chief Executive)  
Mr P Cowin (Asst Town Clerk)

Peel Town Commissioners  
Mr N Cushing (Chairman)  
Mr P Leadley (Clerk)

Ramsey Town Commissioners  
Capt N Malpass (Chairman)  
Mr P Whiteway (Clerk)

Lonan Parish Commissioners  
Mr N Dobson (Commissioner)  
Mr P Hill (Clerk)

Marown Parish Commissioners  
Mr T O'Hanlon (Chairman)  
Mr I Maule (Clerk)

## Appendix C

### Constituency showing voter numbers and divergence from electoral quotas 2010/11

<i>Constituency</i>	<b><u>2010/2011</u></b>			percentage above or below quota
	Registered Voters	Number of Seats	Votes per Seat	
Ayre	2400	1	2400	-5.8%
Castletown	2188	1	2188	-14.1%
Douglas East	3893	2	1947	-23.6%
Garff	3329	1	3329	30.7%
Glenfaba	1880	1	1880	-26.2%
Michael	2476	1	2476	-2.8%
Onchan	6848	3	2283	-10.4%
Douglas North	4699	2	2350	-7.8%
Peel	3569	1	3569	40.1%
Ramsey	5701	2	2851	11.9%
Rushen	6830	3	2277	-10.6%
Malew & Santon	2340	1	2340	-8.2%
Middle	3794	1	3794	48.9%
Douglas South	5064	2	2532	-0.6%
Douglas West	4004	2	2002	-21.4%
	<b>59015</b>	<b>24</b>	<b>2548 average voters per seat</b>	

Ave diff = 17.5%

Please note that the information above is historical and takes no account of provisional 2011 Census information.