

House of COMMONS
MINUTES OF EVIDENCE
TAKEN BEFORE
POLITICAL AND CONSTITUTIONAL REFORM
COMMITTEE
THE COALITION GOVERNMENT'S PROGRAMME
OF POLITICAL AND CONSTITUTIONAL REFORM
Thursday 15 July 2010

RT HON NICK CLEGG MP, MS ROWENA COLLINS-RICE,

MR MARK SWEENEY and MS JUDITH SIMPSON

Evidence heard in Public Questions 1 - 76

USE OF THE TRANSCRIPT

1. This is an uncorrected transcript of evidence taken in public and reported to the House. The transcript has been placed on the internet on the authority of the Committee, and copies have been made available by the Vote Office for the use of Members and others.
2. Any public use of, or reference to, the contents should make clear that neither witnesses nor Members have had the opportunity to correct the record. The transcript is not yet an approved formal record of these proceedings.
3. *Members* who receive this for the purpose of correcting questions addressed by them to witnesses are asked to send corrections to the Committee Assistant.
4. *Prospective witnesses* may receive this in preparation for any written or oral evidence they may in due course give to the Committee.
5. Transcribed by the Official Shorthand Writers to the Houses of Parliament:

W B Gurney & Sons LLP, Hope House, 45 Great Peter Street, London, SW1P 3LT

Telephone Number: 020 7233 1935

Oral Evidence

Taken before the Political and Constitutional Reform Committee

on Thursday 15 July 2010

Members present

Mr Graham Allen, in the Chair

Nick Boles

Mr Christopher Chope

Sheila Gilmore

Simon Hart

Tristram Hunt

Mrs Eleanor Laing

Catherine McKinnell

Sir Peter Soulsby

Mr Andrew Turner

Stephen Williams

Witnesses: **Rt Hon Nick Clegg MP**, Deputy Prime Minister; **Ms Rowena Collins-Rice**, Director General, **Mr Mark Sweeney**, Deputy Director, Elections and Democracy, and **Ms Judith Simpson**, Deputy Director, Constitutional Settlement, Constitution Unit, Cabinet Office, gave evidence.

Q1 Chair: Deputy Prime Minister, welcome to the Select Committee on Political and Constitutional Reform. You are our first ever witness, which is quite appropriate, on only our second day of life. We appreciate the fact that you have taken the time to come here very quickly. I hope that indicates your general commitment to pre-legislative scrutiny and the provision of adequate evidence so that decisions can be made by the House with the fullest possible knowledge. We are a completely new committee with new Members. I will introduce them as and when I call them to ask questions. Perhaps it might be helpful both to you and the Committee if first you take a few minutes to provide a general outline of where you feel we are at the moment, what progress has been made and your longer-term view of both political and constitutional reform.

Mr Clegg: First, I congratulate you on your election as Chairman of the Select Committee by the whole House under the new procedures and all Members for the constitution of the Committee yesterday. I am very pleased to come before you as quickly as I have been able to. Thank you very much for giving me this opportunity. I am before you as Deputy Prime Minister of a new coalition government and in that role I work alongside with the support of the Prime Minister in developing and overseeing the implementation of policies across the range of government. I chair the Home Affairs Cabinet Committee which covers the broad waterfront of domestic policy, but I assume that you wish the main focus of our discussions to be the area for which I have taken direct responsibility: the political and constitutional reform agenda. Perhaps I may say a few words to set the scene. To try to put it in context, first while what we have included as a government in our coalition agreement is an ambitious and wide-ranging agenda of political and constitutional reform in many important respects it does not seek to re-invent the wheel; in some respect it just picks up ideas that have been around for a very long time. House of Lords reform has been debated for over a century. I believe that the alternative vote was first proposed by a royal commission in 1910 and put to a vote here in 1930. As we discuss this further I hope you will feel that, yes, there is ambition and radicalism in the breadth of the reform agenda but a lot of it goes with the grain of debates that have been going on in British politics for a very long time. Second, while I have no doubt there will be disagreements, discussions and polemics around some aspects of it I also hope that the reform agenda will build upon what I believe to be an unprecedented moment of underlying consensus among the main parties that political reform must happen. That has not always been the case, but I think a constellation of events, not least the expenses scandal in the latter half of the previous parliament, really forced all of us to come to terms with the need for extensive political reform in order to re-establish public trust in what we do here in their name and on behalf of constituents. I hope that notwithstanding disagreement and discussion on a number of aspects it will nonetheless benefit from that underlying political consensus which seems to me to be stronger now than it has been for a very long time. The third and slightly wider point is that we are, comparatively speaking, a fairly old democracy with long-established democratic traditions. The great advantage of it is that we are very proud of our traditions, institutions and political and democratic history, but I believe that because of that it also places a particular duty on us constantly to review, renew and refresh our political institutions in the way we conduct ourselves in politics so that we continue to reflect the changing nature of the society in which our political institutions are located. The changes in wider British society in recent decades are quite unprecedented: the breakdown of traditional class-based tribal political affiliations; the collapse of the culture of diffidence towards people in power; the use of information technology to hold people to account; and the demand for greater transparency in the way power is wielded. All those things are very big changes. They have also expressed themselves in unprecedented levels of mass abstention. In the two general elections before the most recent one more people did not vote than voted for the winning party. All of those things indicate that we need constantly to strive to make the way we conduct ourselves more transparent and accountable and respond to the greater demand, which has increased in recent times, that people rightly have for accountability for the way in which we conduct ourselves. I hope those remarks provide some sort of scene-setting for what this coalition government now seeks to do.

Q2 Chair: Do you have a permanent secretary?

Mr Clegg: I do.

Q3 Chair: Would you care to introduce some of the key members of your team? I am sure we shall be interacting with them a good deal over the next five years.

Mr Clegg: Is it against protocol if they introduce themselves?

Q4 Chair: Not at all; please go ahead.

Ms Collins-Rice: I am Rowena Collins-Rice, the Deputy Prime Minister's director general in charge of his constitution policy group.

Mr Sweeney: I am Mark Sweeney, head of the division that is responsible for policy on elections, party funding and referendums.

Ms Simpson: I am Judith Simpson, head of the division in charge of the reform of Parliament and the constitution more generally.

Mr Clegg: That is not everybody on this side, but I hope it provides an initial introduction.

Q5 Chair: They are your key people?

Mr Clegg: Yes.

Q6 Chair: The reason I ask is that obviously it is important to will the means as well as the ends. People appreciate that your philosophical background in this matter is very strong but this is a new department and therefore a new Select Committee. Are you confident that you have the facility and back up to achieve what is quite a democratic revolution, not least with four Bills coming forward in the first six months? Do you believe you have that equipment in the department?

Mr Clegg: Yes, I do. As you may be aware, we have basically transferred a team of people, some of whom are here, from what was formerly the Ministry of Justice to work to me in the Cabinet Office, because you are quite right that it would be senseless to try to embark on this without having the right resources. We are aware of the fact that we need to dedicate a lot of political time, energy and effort during the passage of these measures through both the House of Commons and House of Lords.

Q7 Chair: Given the tremendous burst of activity necessarily because you have momentum for this agenda in the first year, is there also a long-term strategy? Are there other things to come in the course of what may well be a five-year fixed term?

Mr Clegg: At the moment we are focusing on a particular chronology for the measures which we have already announced in the coalition agreement. We shall publish shortly, literally in the coming days, draft Bills on fixed-term parliaments and the AV referendum and boundaries. Those two are, if you like, the first two key measures. Around the turn of the year we shall publish the draft Bill on House of Lords reform. Those three set piece Bills are the most important first wave of reform. There are a number of other commitments in the coalition agreement: passive recall; regulation of lobbying; funding reform; and other measures. We shall be introducing those in the second wave, if you like, but exactly how and when we do that depends on progress we make on the first wave of measures.

Q8 Tristram Hunt: I want to ask about the guiding light behind it and whether this is a utilitarian vision of reform to get things straight or there is a broader vision behind it and we are on the path towards a written constitution. If so, does it need some more poetry behind it to coalesce these forces or is it a tidying-up idea as you see it?

Mr Clegg: I believe any reform programme can do with a bit of extra poetry. It is a mix of idealism and pragmatism. The poetic side of it, if you like, is the belief that I hold very strongly, which is shared by the coalition government as a whole, that power should wherever possible be dispersed; that power when wielded should be accountable; that there should be checks and balances on power; that arguably the British state and the way in which political institutions have developed over time has allowed too much power to coalesce at the centre; that too much of that power has not been sufficiently transparent; and that, certainly compared with other mature democracies, we are an unusually secretive and over-centralised state. Therefore, the overall poetry is a classically smaller liberal one of dispersing power, making it more accountable, seeking to empower communities and also empower people in a way that holds politicians to greater account. That is the overall perspective, but the way in which one tries to implement that narrative is constrained by political realities, in the case of the coalition by the negotiations between the two parties. I am very open about the fact that compromises are involved in that.

Q9 Sir Peter Soulsby: In presenting your reforms to us today you have played them down; you describe them as reforms that do not re-invent the wheel and go with the grain of events. I wonder whether even with the second wave of the process you have described it really comes anywhere near the way you have described them as a power revolution and a fundamental resettlement of the relationship between state and citizen. Do they not come a long way short of that rhetoric?

Mr Clegg: Let us imagine for a moment what things would feel like if we implemented the measures we are talking about. I hope that our politics would feel very different by 2015. If they choose so in a referendum people may express an order of preference for their candidates when they next go to the ballot box; they may be electing Members of the House of Lords wholly or in large part by a proportional system; they will be confident that they have political parties where the murky business of big money funding of parties has been cleaned up; they will know that they have power to gather a petition of 10% of people in their own area if their MP is accused of serious wrongdoing and has not been otherwise properly dealt with and trigger a byelection; they will know that lobbying in Westminster has been properly and transparently regulated; and they will know that the timing of the next general election will not be a plaything for the Prime Minister. If you put those together I believe they will give people a greater sense that they are in charge, not just us here in Westminster. It is right to emphasise that a lot of this goes with the grain of some long-standing debates. Bringing them all together and in a sense deploying the political will to make political reform finally happen will make a dramatic difference to the way in which politics is conducted.

Q10 Sir Peter Soulsby : Do you really believe they justify the description that they are the most significant reforms since the great reform Acts of the 19th century?

Mr Clegg: Tristram has picked me up before on historical hyperbole. I am entirely happy to defer to him and to others on the Act of 1832 and apologise if I have made claims. To be fair, I believe the Act of 1832 - I am not a historian - while partial but forward and

modest in so many ways set in motion a domino effect of reforms which we are still implementing. In a sense what we are talking about this morning is part of a typically British way of conducting reform; it is done in fits and starts and sometimes the political constellations and forces come together to make it possible and sometimes they do not. I believe that because of the unique nature of the commitments we have all made across parties because of the public anger after the expenses scandal and the need constantly to update our old institutions and as society around us changes very dramatically this is a moment when together, broadly speaking, we can implement a very far-reaching programme of reform.

Q11 Chair : Do you believe we have parliamentary sovereignty or executive sovereignty in this country? Is that an issue that concerns you?

Mr Clegg: I think we have executive dominance; we have one of the most executive-led forms of government anywhere in the western world. We have a curious imbalance, do we not? We have a parliamentary culture which is famous round the world. People on the other side of the Atlantic tune in to Prime Minister's Questions. We have a very large parliament of 650 Members. Even if we bring it down to 600 it is still by a long way the largest of any parliament among the mature democracies. Yet beyond the pomp and ceremony of Parliament we have an executive which is able to hoard information and wield power arguably in a more unaccountable fashion compared with executives almost anywhere else. We hope that with some of the changes we are to introduce, whether it is the change which constituted this Committee to give Parliament a stronger autonomous voice to hold us to account through openly elected Select Committees, the implementation of the Wright Committee recommendations, depriving the Prime Minister of the right to fix the timing of the next general election, the move towards greater transparency that we have talked about, or the move towards greater de-centralisation away from Whitehall, which we shall be pushing forward in the coming years, we will over the next few years have gone some way to correct the imbalance between the executive and legislature.

Q12 Chair : But if there was a majority government returned at the next general election anything achieved in the next five years could be overturned by that incoming executive?

Mr Clegg: That is a founding doctrine, is it not? One cannot entirely bind the hands of future parliaments. Maybe we should debate that. I am not entirely sure it would be desirable to overturn that tradition, but, for instance, I hope that if we moved towards fixed-term parliaments it would be both welcome and also make it very difficult for any incoming government of a different complexion to unpick it.

Q13 Chair: But are there things that go beyond and deeper than statute law?

Mr Clegg: Some of the innovations we are talking about are of a clear constitutional or quasi-constitutional character, for instance the proposed new power for dissolution set at a higher voting level than originally proposed: two thirds rather than 55%. Clearly, that keeps to practice in many other parts of the democratic world where parliaments retain exceptional power to dissolve governments. That threshold is set in a way that does not ever allow any government to do that unilaterally. That has a tablet-of-stone feel about it and that is why it is very important we proceed on that issue - I have been very keen to stress this in the past several weeks - as much as possible by consensus because it will bind our hands long into the future.

Q14 Chair: If I may move to parliamentary scrutiny per se, obviously four Bills are coming through very quickly, two almost immediately dealing with AV, boundaries and fixed-term parliaments. In this Select Committee we have attempted to move extremely quickly and your presence today which we appreciate is very much a part of that. What is your view however in terms of future proposals coming before the House? Is it possible for you to commit today to proper, full and timely pre-legislative scrutiny on all the democratic reform proposals henceforth? If we accept we have to be speedy on those two Bills would you nonetheless give an undertaking that we can do this in a slightly more measured way in future?

Mr Clegg: Unambiguously, yes. First, perhaps I may thank you collectively for what I understand the Committee plans to do in order to conduct in a compressed timetable prelegislative scrutiny of the two Bills you mentioned dealing with fixed-term parliaments and AV boundaries. I agree that the principle should be to time these things in a way that allows for proper pre-legislative scrutiny. Notwithstanding the slightly compressed timetable of the first two Bills you mention I still hope that a combination of what this Committee is doing now and immediately after the Recess and the fact that as constitutional Bills they will be taken on the Floor of the House will mean that in sum they will be subject to the scrutiny which obviously they deserve.

Q15 Chair: Philosophically, you are committed to that and I appreciate your putting it on record. Perhaps I may also underline that the means need to be in place as well in terms of the links with the offices of the Leader of the House, the Government Whips and your colleagues in Whitehall so that all these things can be delivered and we can redeem that promise in a timely way.

Mr Clegg: Yes.

Q16 Mr Chope: If these Bills are to be considered on the Floor of the House do you agree it is reasonable that there should not be any timetabling motions attached to that consideration?

Mr Clegg: On the AV boundaries Bill we have put ourselves under a fair amount of pressure to try to get it passed as quickly as possible, so I am not sure I can satisfy you entirely and say there will not be any timetabling. We want to make progress as quickly as possible. On the fixed-term parliament Bill we are slightly more relaxed, but in order to maintain momentum on this important cluster of issues on boundaries and AV we may need to timetable some of it.

Chair: I want to move on to one of the specific items that the Bills address: the alternative vote system and proposed referendums. A number of colleagues have questions in this area.

Q17 Mrs Laing: Do you agree that voting in a referendum to change the constitution is a totally different part of the democratic process from electing a representative? To have a referendum calling for a yes or no answer is not at all the same as choosing which one of four or five candidates should represent you.

Mr Clegg: I am not sure I entirely understand the question. Without being pedantic, I am not sure I would characterise a shift from first past the post to the alternative vote, if people decide that in a referendum, as one that affected the unwritten constitution as such.

It is an incremental change in the way in which people are elected. It retains the constituency link and retains one Member. Maybe I am grappling with the question.

Q18 Mrs Laing: Perhaps I did not make it clear, but the way you have answered it is perfect. I was putting to you that constitutional change is different from the mere process of an election between people. You suggest that to change the voting system is not a constitutional change; I suggest that it is.

Mr Clegg: It is a fairly esoteric debate albeit an important one. We all know we do not have a written constitution but one that is an amalgamation of written texts, convention, precedents and so on. I am happy to be corrected by those with greater knowledge of the constitutional proprieties, but there is a certain modesty to the transition from first past the post to the alternative vote, if that is what the referendum decides, and I wonder whether it is commensurate with the suggestion that it is a fundamental alteration of the constitution, but obviously you do not believe that is the case.

Q19 Mrs Laing: It is perhaps not surprising we disagree on that.

Mr Clegg: If I may test it, in the United Kingdom as a whole we now have a patchwork of different electoral systems: STV in Northern Ireland; an additional Member in Scotland and Wales; a kind of AV here in London; and closed list systems in the European Parliament. That has developed over time. Has each of those innovations represented a fundamental change in the constitution?

Q20 Mrs Laing: I would agree they have; maybe others would disagree. The purpose of trying to define that with you is to consider the issue of the validity of a referendum on constitutional change. If I may take you more precisely to the date of the referendum and then to the actual process itself, are you concerned by the report of the Electoral Commission following the Scottish elections in 2007 which was very critical of the process of having different elections on different matters under different systems held at the same time on the same day? I am sure you are well aware of the objections - I need not reiterate them here - of the First Minister of Scotland, the Welsh Assembly Government and others about the possible undermining of their elections by the referendum being held on the same day. My concern is not so much for them as for the validity of the referendum itself. Are you concerned that the differential turnout that is likely to occur by holding it on the same day is one of the facts that might undermine the validity of the referendum itself?

Mr Clegg: Perhaps I may take timing and differential turnout separately because they seem to be slightly different issues. On timing, I have looked at the Gould report to which you refer conducted following the mishaps in the Scottish elections in 2007. You are right that it is relevant. It made a number of trenchant criticisms about the way in which the combined elections were conducted but made crystal clear that the fundamental problem on that occasion was the sheer complexity, not least physically, of ballot papers as long as your arm for the local elections held the same day. That created immense confusion for some voters. The Electoral Commission subsequent to the Gould report and as recently as two weeks ago said quite clearly that there are benefits in combining elections and also risks. Obviously, we need to mitigate those risks and I am very keen that we as a government should work actively - we are - with the Electoral Commission, which would be responsible for the conduct of the referendum, to make sure it is conducted properly and in a wholly workable and successful fashion. It is worth bearing in mind that what we

propose this time is much simpler than what happened in 2007. It will be a very simple question requiring a yes or no answer. Without criticising this too much, I simply do not agree - I have never quite understood the argument - it is wrong in principle to ask people to vote on wholly different issues on the same occasion. There is a lot of evidence that people do not like to be asked to keep going back to the ballot box on separate issues. For instance, if the alternative in Wales would be to have three separate votes over the course of a few weeks I believe it would be a mistake. On differential turnout, again let us keep it in perspective. About 84% of English voters will be voting in any event next May, so we are talking about a small minority of people who will not be voting anywhere.

Q21 Mrs Laing: Do you mean that 84% have the opportunity to vote?

Mr Clegg: Yes.

Q22 Mrs Laing: But the turnout at local elections is usually well under 30%.

Mr Clegg: Yes, but I assume that the differential turnout argument is that to hold the referendum on the occasion of other votes somehow skews the pitch because it means one has a higher concentration of votes where elections are taking place already compared with places where they are not. All I point out is that those areas of the United Kingdom where elections are not taking place in May are much smaller than people who make that argument seem to assume. Eighty-four per cent of English voters will have the opportunity to vote already - it is up to them to choose whether or not to do so - as will all Scottish and Welsh voters.

Q23 Mrs Laing: But do you accept there is likely to be rather more interest in going to the polls to vote where the elections are for the national government in Scotland, Wales et cetera rather than in England where that is not the case and therefore there is a risk? You mentioned risk.

Mr Clegg: However we time the referendum - whether or not it is held as a stand alone process - we cannot micro-manage who will choose to vote in which parts of the country. I still believe that you get different turnouts in different areas in a referendum even if you hold it in isolation, in exactly the same way that you get wildly different levels of turnout in general elections. I do not believe there is anything we can do in terms of crafting the legislation in determining timing which somehow can force people to turn out or not. What we are doing by having the coincidence of the referendum with elections that take place across the vast bulk of the United Kingdom on the same day is giving people the opportunity to go to the ballot box and make two decisions at once. I do not think there is anything wrong about that in principle.

Q24 Simon Hart: Notwithstanding that we might have three votes in Wales in the first half of next year - referendums on further powers, on AV and the Welsh Assembly election - can we just project ourselves forward to 2015 for a moment when the general election will probably fall on the same day as the Welsh Assembly elections? What we may then be faced with in Wales is a different system of voting for Welsh Assembly Members, 40 by first past the post and the other 20 on the top-up list. You may have the Westminster candidates being elected on the basis of either AV or first past the post depending on the outcome of any referendum, but at the same time there may be two separate boundaries because you decouple Welsh Assembly boundaries from Westminster boundaries. You may have quite a complicated mix of choices for people to

make including a number of candidates for the same party but in different elections and by a different system all falling on that May date in 2015. My question is: how will you react to returning officers and the Electoral Commission in Wales if they advise you that that poses a risk for voters, particularly those who are partially-sighted or blind? How do you intend to react to that when that question is posed to you?

Mr Clegg: First, any reservations or anxieties raised by returning officers need to be taken seriously. I do not want to brush those concerns under the carpet and I will be very keen to work with the Electoral Commission, returning officers and others in order to allay any concerns. Do I believe that in principle it is not possible or too risky for people to elect different representatives by different systems on the same day? No, I do not. We already have a dizzying array of different electoral systems across the United Kingdom and some of them have coincided in the past. I think I am right in saying that relatively recently we had European and London mayoral elections based on a closed list system for the former and a form of preferential voting for the latter. I remember that everybody said then it would be a disaster and people would not understand it. It passed off without almost any incident. Does that mean we should in any way resile from major efforts to make the system as accessible and explicable to people as possible? No, of course we should not. We should not be indifferent to that, but I would hate to think that we back off completely from the idea that somehow people can make those two decisions based on totally different systems at the same time.

Q25 Simon Har t: My point was not to get you to back off but simply ascertain the extent to which you are prepared to acknowledge the representations from Wales, particularly returning officers and the comments of the Electoral Commission to which we have already referred. You have made some pretty strong comments about holding referendums on the same day as other elections. I think there must be some quite compelling stuff coming from you to reassure us that this has practical rather than political benefits.

Mr Clegg: I hear what you say and I am very keen to work in that spirit. You will be aware that the Secretary of State for Wales is in constant contact with the First Minister and others not least to seek to open a dialogue on the issue of the 2015 date. I know there are strong feelings both in Cardiff and Edinburgh.

Q26 Catherine McKinnell: I want to ask about the AV system itself and hear from you why you believe it is a good proposal for the country. Obviously, it is a system that is used only in Australia and a couple of island. Many commentators seem to suggest that it is less proportional than the system we have at the moment.

Mr Clegg: I will be very open about it. If I could introduce an electoral system off my own bat - I do not have that power - for years I have made it clear that my ideal would be a fully proportional one. This is a preferential system, not a proportional one. Depending on what people decided, it would be a significant change from the existing system and it would have a high degree of continuity with what people are already used to because they would still be electing one person for an identifiable area for their own constituency. I think the big difference and virtue is two-fold: it stops people from voting tactically and second-guessing how everybody else will vote in their area, so it allows people to express a preference of all the candidates across parties in their own area, and it also means that people who are elected to this place, Westminster, know that that they have through redistribution of the votes in the alternative vote system a mandate of 50% or more of

people in their community. First, it means people feel that all their votes count, which is an important thing when millions of people believe that presently their votes do not count; and, second, there is a stronger sense of legitimacy when people arrive here to represent their constituents. I believe they are significant pluses and they also go with the grain of the way in which politics are conducted at the moment.

Q27 Catherine McKinnell: I know there are differences within the coalition generally on the subject of the reforms. It has been made clear that you probably will be campaigning for different outcomes in the referendums. Do you believe that will have an impact on the working relationships within the coalition?

Mr Clegg: I do not. One idea that clearly we are getting used to - it is a very positive change in the political culture, which I hope I do not overstate - is that you can have people in government who work together in the national interest across party lines but who are relaxed and grown up about the fact they still retain differences. On the campaign for the referendum, I do not believe that on either side it should become one that is conducted by politicians in the name of political parties. I hope that it will be a much more open referendum campaign that captures the wider spirit of whether or not we want to reform our politics and address some of the flaws in the current system such as mass abstention, large numbers of people feeling their votes are ignored and millions believing that their votes do not count. I believe that if it collapses into a political partisan referendum campaign within or without government it will be a huge missed opportunity for genuine political renewal.

Q28 Catherine McKinnell: Do you not have any concerns that it might set back for years the Liberal Democrat cause ultimately for proportional representation?

Mr Clegg: I am not on some sort of Maoist path for a long-term Liberal Democrat revolution. I am very clear about my own views about the electoral system, but I am acutely aware in politics as we all are that you have ideals that drive you forward but you also have to be pragmatic about what you can achieve a step at a time.

Q29 Catherine McKinnell: Do you see this as a stepping stone towards it?

Mr Clegg: No, not at all. I do not have some sort of dastardly plan that there will be the AV referendum next and so on. I think one referendum on electoral reform will be more than enough for the time being. If people decide in a referendum to change do I think that alongside all the other changes that have taken place - the new electoral systems for Europe, Holyrood, the Assembly in Wales, the mayoral election in London and the proportional system in the House of Lords, if we get it through - it will increase people's awareness of the fact that we can do things differently? Yes, of course I hope so. The animating spirit of the whole programme of political reform is that we can do things better and we do not have to stand on ceremony with what we are used to.

Q30 Chair: I think it is permissible to have a long-term strategy and you do not need to reveal it.

Mr Clegg: I agree, but I felt that was perhaps the direction of the question.

Q31 Sheila Gilmore: I should like to pursue further the criticisms of elections. The fact that you have pressed ahead so fast means there does not appear to be the possibility of

consulting the devolved administrations before making certain announcements. That has given rise to certain issues and I would welcome your comments on why you thought it was not possible to do that. I believe there are two issues: complexity and one set of politics perhaps being subsumed within the other and there are great disadvantages to that. As far as concerns complexity, 2007 will perhaps be closer to the 2015 proposal which could be avoided. We can come to the question of fixed-term parliaments later. You could have two full-scale general elections with actually and potentially very different electoral systems, one of which might be new depending on the outcome of the referendum. That was exactly the situation we experienced in 2007. That is the issue of complexity. The other issue is whether by holding them coincidentally you make it more difficult. For example, in Scotland where I come from will the issues of the Scottish Parliament with very different Scottish politics be dragged out one way or the other?

Mr Clegg: I must tread carefully because you are so much closer than I am to how the domestic political debate will play out in Scotland. If we start with the coincidence of the referendum next year and the Holyrood elections - I will also say a word about the 2015 criticisms of the Scottish election and general election - I struggle to understand why it is assumed that the extensive, wide-ranging debates about the future of Scotland, the Government of Scotland and the politics of Holyrood would in any way be subsumed, overshadowed or overturned by a separate and very simple yes or no vote on how in future people vote for their MPs. I am genuinely trying to work out what the allegation is. I speak to friends of mine who will be voting in Scotland. They see no complexity in it at all. They say that debate on the Scottish elections will rage in the normal way and separately on that day they will also say yea or nay to the alternative vote. I do not quite see how it will be subsumed in that way. As to 2015 perhaps I may take a little step back. I do not know whether I preempt discussion about fixed-term parliaments.

Q32 Chair: We will come on to that.

Mr Clegg: When we proposed fixed-term parliaments we had to decide what the period should be. Five years is the established period of time. That means that every fourth election there will be a coincidence between the Scottish elections and the general election. I hope that, first, when they look at it people will accept the reasons why we decided on the five-year cycle in the way we have; and, second, that having that coincidence once every two decades is not too great a complexity to bear.

Q33 Sheila Gilmore: You will be aware that the Scottish Parliament has specifically rearranged local government elections which would otherwise have taken place next year to take place in a separate year on the back of the experience of 2007. That was a major change. Is that not something on which to reflect?

Mr Clegg: Yes, it is. As I said earlier in response to Mrs Laing, the lessons of what happened in 2007 and the complexity of the ballot papers for Scottish local elections are of a different order - I believe that is borne out by the conclusions of the Gould report - from the simplicity of a vote that we shall be asking people to cast one way or the other in the referendum on the alternative vote system.

Chair: I shall do this in a slightly different way because there is a lot of interest in this issue. I shall ask colleagues to ask their questions and then for you to respond to them as a group initially.

Stephen Williams : First, can you confirm the sort of AV that we are to be using? I went to a breakfast briefing on Tuesday of this week about different forms of alternative votes. Can you confirm that it is the Australian House of Representatives model that you hope to introduce rather than the London mayoral or other mayoral systems that we have? My second question is to do with the conduct of the referendum itself. Can you confirm who will be eligible to vote because this is a reform of the Westminster franchise? Can you confirm that the only people who will be allowed to vote in this referendum will be those who are qualified to vote for a Member of Parliament as opposed to, for instance, European Union citizens, which perhaps is an issue in your own household? Anyone representing a cosmopolitan constituency like Bristol West would be well used to explaining to people how they can vote in some elections and not others. My other questions on the conduct of the referendum are the following. First, on spending I hope we will not get into a situation where one side of the argument will have a lot more money to spend than the other. How do you see the spending limits being applied? Second, is there to be any form of public spending, or will all the money for the yes and no campaign have to be raised by those campaigners? Will there be any form of public information about the referendum itself and what AV means? Thirdly, what will come next? If we assume that we get a yes vote - I am optimistic that we will - it will be quite peculiar if only English local government in the United Kingdom, possibly in Europe, is elected by first past the post, yet the coalition agreement is completely silent on the form of the English local government franchise. Is that something you may want to move to in the second part of this reform of Parliament?

Mrs Laing: Perhaps I may take you again to the validity of the outcome of the referendum, interestingly you said a few moments ago that the campaign for the referendum should not be politically partisan. I agree that is a valid point, but how can it not be politically partisan if it happens on the same day as elections which clearly are politically partisan? As you said, 85% of England, all of Scotland, all of Wales and all of Northern Ireland will be campaigning on political lines. How can they campaign on political lines? As you do I have respect for the electorate who will go into the polling station to make two different decisions, but you really cannot expect people to make one decision that is politically partisan and one that is not. At the very most there is a risk of political partisanship spreading between the two issues. To come to thresholds, since the concern is for the validity of the outcome of the referendum - I am sure you agree that if you are to change something as important as the voting system it must not be open to challenge - you cannot spend the next four, 10 or 12 years defending what has happened; it must be definite. At what point is the threshold invalid? If 30% of people who can vote come out to vote and 51% of those decide to make a change that is only 15% of the population who vote in favour of change. Is that valid?

Q34 Chair: I will not call upon anyone else; otherwise, you may lose the thread, but perhaps you would be relatively brief so other colleagues can come in.

Mr Clegg: I have a cornucopia of things. In answer to Stephen Williams, it will be an optional preferential AV system. I am getting my head round all these different breeds.

Q35 Stephen Williams : Like the Australian system?

Mr Clegg: I stand to be corrected, but I believe the Australian system is obligatory. What it means is that you do not have to list everybody. In Australia if you have four candidates you have to do one, two, three, four. Here I think everybody agrees that you cannot force

people to express a preference if they do not want to, and clearly it is different from the supplementary system in London where basically you move immediately to a knockout contest between two candidates. Who can vote? I have not broken this news to Miriam yet. It is bad enough being on opposing sides of the fence in the World Cup final. There is one exception: I do not see why a peer should not vote.

Q36 Mr Turner : They are in the House of Lords.

Mr Clegg: They are in the House of Lords.

Q37 Mr Turner : They do not get a vote.

Mr Clegg: They do not get a vote in the general election. I would be interested to hear the views of the Committee, but it seems to me that on something like this it will be only the second time since 1975 that we have a nationwide referendum. In principle I do not see why peers should not be able to express their views about reform of the electoral system. As for funding, we will not re-invent the wheel; we shall apply the existing rules under the Political Parties, Elections and Referendums Act 2000. You will be aware that that imposes a funding cap on what are called the designated organisations who will campaign on either side of the referendum. It has an established formula for how much money political parties can use. I think it has a cap of £½ million for any other so-called permitted participant. All of that will be administered by the Electoral Commission including that body's right to grant a certain amount of money to each of the two leading yes and no campaign organisations. Clearly, there will be a thirst for and need for public information, but exactly how that is provided and by whom is something we have not yet decided. I would be very keen to hear any ideas. I am immensely keen, not least because the government has differing views, that it should not be seen to be driven by one side of the government or the other and to make the information that is provided as objective as possible. At the moment we have no plans - that is why it was not in the coalition government - to turn to the electoral systems used for election to English local government. On validity, I think you and I disagree on the assumption that people cannot separate out partisan reactions to one poll from another even on the same occasion. Perhaps I may suggest that the huge discrepancy between the way in which this new coalition government is regarded and interpreted in our highly partisan environment in Westminster and Whitehall and the generally rather positive reaction from many people in the country at large shows that the way in which we as politicians see everything through partisan lenses is not shared by the vast majority of people who do not walk around with tattoos on their foreheads saying they are Liberal Democrats, Conservatives or Labour. Most people are I think quite capable of saying that there are some decisions they take when they are asked to support a political party and other decisions they take for reasons not driven by party politics. I think people's reaction to the fact there is now a coalition government where people come together from different parties but can work together in the national interests and can very easily understand that intuitively shows that people are perfectly capable of doing that, but I suspect you and I disagree on that. As to the threshold, I have a list here as long as your arm of all the referendums that have been held: the Greater London Authority referendum in 1998; the Northern Ireland referendum in 1998; the North East of England referendum in 2004; the devolution referendums; the Border poll back in 1973; the 1975 European Community referendum. All but one had no threshold. One did: the Scottish referendum. That was forced on the government at the time, but the general rule has been under governments of all complexion across a whole range of referendums that you do not have a threshold. We shall maintain - dare I say it -

that tradition. I think there are very good reasons why we shall do that. First, let us not romanticise about thresholds. I quickly totted up who amongst those of us in this room would have been returned had there been a threshold of 40%. Mr Chope would have been returned on his own. I got 39.06% and so I would be yapping at his heels in second place. That is a slightly facetious thing to say, but, more importantly, I believe the experience of the one occasion when a referendum with a threshold was held is that you create an incentive for the no vote to encourage people not to vote because an abstention in effect becomes tantamount to a no vote. I believe that to be a wrong dynamic. Surely, we have an interest in a referendum to encourage people to be engaged. You and I may disagree about how you go about doing it, but I hope we agree that if you are to hold a referendum you should not create a perverse incentive for one side of the argument to discourage people from participating at all. I believe that in principle that is not right.

Q38 Chair: One of the things we are trying to do here is get out some of the basic facts, and clearly you have an extremely thick brief in front of you.

Mr Clegg: I am happy to share it.

Q39 Chair: It would be marvellous to get that the record for colleagues who will come to debate this on the floor. Then there will at least be some common basis on who did what in what referendum, what the voting system was and when.

Mr Clegg: This is in the public domain; it is an annex from a document published by a previous government.

Chair: Whatever you have to give us, that factual basis as opposed to opinion would be particularly welcome.

Q40 Nick Boles: I am sure that my role as a new boy - I am learning - is to try to be inquisitorial, but I want to make sure everybody understands that there is no absolute unanimity against the idea of holding votes on the same day. I take a much more extreme view. I believe that the problem arises from holding different elections on separate days because what tends to happen is that if you offer people, most of whom do not follow politics day in and day out, the opportunity to give the government of the day a kick and that is at the forefront of their minds they will take it, whereas the experience of the United States, which while not a model in many respects I consider to be the model at least in terms of pure democracy, is that by holding all elections on the same day you get people picking out what they think about each one, so they vote one way on the president, one way on governor, one way on mayor, one way on local congressmen and one way on state senator. I think we are massively insulting and underestimating the sophistication of the British people, so on this point - maybe only on this one - I think that if anything I would rather we held all elections on the same day rather than separate days which I am aware some colleagues would prefer.

Mr Clegg: That was a statement rather than a question and one dare I say that makes for a great debut. I agree with you. In some American states you go to a polling station and vote on everything from the local dog catcher to the governor all on the same day. It is like the social debate about whether or not people can multi-task. I share your view; I really do not believe people find it difficult to distinguish between different topics simultaneously. It is a peculiar assumption of the political classes that somehow uniquely in politics that is not possible.

Q41 Chair: I must cut colleagues short, but presumably you would be very open to written requests for further information.

Mr Clegg: Of course.

Chair: I apologise to colleagues, but we have to try to squeeze in everything. We are trying to do preliminary work on two Bills at least as well as hear the views of the Deputy Prime Minister in a broader context. I want to move on to constituency boundary reform and the reduction in size of the Commons.

Q42 Mr Turner: Last Monday week you announced two exceptions to more standard constituency sizes, both islands in Scotland, and gave an undertaking in respect of the size of a third Scottish constituency. What are the principles that you have taken into account in making these exceptions?

Mr Clegg: The first principle is that in the case of the two island constituencies Orkney and Shetland have already long been recognised in legislation as occupying a particular status. The ferry from the Shetland Islands to the mainland takes 12 to 13 hours. It is divorced from the mainland, if you like, in a way that is widely recognised to be unique. It is a very large constituency because of the dispersed nature of the islands. The same can be said of the Western Isles. There are other island constituencies, St Ives springs to mind, where islands are part of the constituency but because of the geographical proximity of the islands to the mainland the same dilemmas do not present themselves. The second principle, which I think you are alluding to, is on the geographical cap.

Q43 Mr Turner: Charles Kennedy's constituency?

Mr Clegg: Yes. That was just a pragmatic one. We felt there needed to be some limit to the geographical size of a constituency. Charles Kennedy's constituency is by a long way the largest. The next largest constituency is about 8,000 square kilometres; his is about 13,000 square kilometres. We thought that it would be a simple principle to say that in any changes following the boundary reviews no constituency should be geographically larger than what is presently the largest one.

Q44 Mr Turner: How do you deal with Charles Kennedy's constituency with about 65,000 constituents at the moment and the need to reach the average of 76,000?

Mr Clegg: It is not for me, the government or any politician to do; it is for the independent boundary commissions. There are many ways in which they could decide to do it.

Q45 Mr Turner: How?

Mr Clegg: It depends in part on where they start from. Do they start from north and go south in Scotland? How do they decide to fulfil the mandate to arrive at constituencies of around 76,000 voters in each constituency but with, as I say, the exceptions? That does not apply to the two island constituencies; and it should not lead to a constituency larger than the present largest one.

Q46 Mr Turner: So, this may be a third exception?

Mr Clegg: We have been very open about it. There are two exceptions. Let us call the two islands one exception. The second one is that notwithstanding the requirement on the boundary commissioners to implement fairness there is a limit to the geographical extent of a constituency.

Q47 Mr Turner: So, these exceptions to the principle of fair votes all apply to Scottish constituencies apart from those three. What representations did you receive about these issues, and how do you take them into account? Who approached whom over these three constituencies?

Mr Clegg: In the coalition agreement we said very clearly that we would have a boundary review that meant more equality in the number of people in each constituency, but very clearly we chose the wording very precisely to reflect not totally rigid equality everywhere because we then anticipated, quite rightly, that there were certain very limited circumstances.

Q48 Mr Turner: I am just trying to establish who approached whom, not what has happened with the agreement on the principle, between then and now if you like?

Mr Clegg: Did I speak to Charles Kennedy about the size of his constituency before we made that decision? No, I did not.

Q49 Mr Turner: Did anyone?

Mr Clegg: Did anyone speak to him? I do not think so. We took this decision very much in line with what we set out in the coalition agreement within government. To be clear, maybe I should not perpetuate the characterisation of this as a Charles Kennedy exception.

Q50 Mr Turner: It is not his fault.

Mr Clegg: It is simply an expression of pragmatism. You have some very large constituencies. You and I represent geographically much smaller constituencies and it is difficult to imagine what it would be like to cover a constituency the size of a small European country. There must be some limit to that and we simply decided that the best rule of thumb would be to take approximately the size of the largest constituency presently, which is about 13,000 square kilometres, and, importantly, that in itself is in a league of its own compared with any other constituency. The practical effect is pretty limited.

Chair: We will adjourn for a few minutes.

The Committee suspended from 11.03 am to 11.06 am

Chair: We were talking about constituency boundary reform and the difference in size of constituencies. Mr Andrew Turner was in the middle, or perhaps towards the end, of his questioning.

Q51 Mr Turner : In answer to my question to you last week you said that my constituents would be consulted as everyone would over these proposals. If they do not agree with you will you listen to them?

Mr Clegg: It is not for me or indeed any politician.

Q52 Mr Turner: If I may interrupt, I am talking about you. You are not going to?

Mr Clegg: No politician will conduct it.

Q53 Mr Turner: But will you consult them?

Mr Clegg: We have set out the principle of greater fairness and equality in terms of the number of constituents per constituency. That is the core principle in the Bill which in a sense from our point is immutable.

Q54 Mr Turner: So, there is no consultation?

Mr Clegg: That is the principle. We were very open about it in the coalition agreement. The idea of greater equality in terms of the number of voters for each constituency is the driving principle of this change. Does that mean people will be able to get involved in consultation and make their views known during the conduct of the boundary reviews? Of course they will, but if you ask me whether the government will reopen its assertion that we should conduct these boundary reviews so that the weight of votes of individual voters in the country is more equal to others that is something we are determined to press on with.

Q55 Mr Turner: You have three constituencies which are excluded in one form or other from the principle and the rest have to stick with it?

Mr Clegg: Just on the exceptions, they are very limited and, I hope, both easy to defend and understand given the highly exceptional nature of the two island constituencies of Orkney and Shetland and the Western Isles. At one point one needs some kind of geographical cap on how vast a constituency becomes; otherwise, MPs will be asking IPSA for helicopters to ferry them out to their constituents.

Q56 Mr Turner: But it is a very simple principle that if you are not joined to the mainland it should be one or two. I do not mind which. Take the Isle of Wight.

Mr Clegg: There are island communities: Anglesey, St Ives.

Q57 Mr Turner: No, not Anglesey.

Mr Clegg: One has St Ives and Argyll and Bute. There are island communities but they are part of a constituency which also incorporates the mainland. You will be aware from the history of the Isle of Wight that a long time ago it had eight MPs. I do not think that in a sense over time these things have been chiselled in stone, but I think the principle of trying to create greater equality of weight and worth of people's votes is a good one.

Q58 Mr Turner: You are saying that it is decided?

Mr Clegg: The principle of greater fairness and equality in terms of how many people live in each constituency is right at the core of what we seek to do. We are determined to try to deliver that. I believe that about one third of Members of the House already represent constituencies of about 76,000, or within the 5% margin either side of 76,000. You are

well known as an outstanding constituency MP with an electorate of 109,000. There are about 37 seats which are around 80,000. People talk about this as if we are entering into a completely new universe where people will represent constituencies in a way that has never happened before. About one third of Members here are already doing it. It seems to me that if that can be done it can easily be extended to other places as well.

Q59 Tristram Hunt: I want to tease out briefly the situation of Scottish constituencies. If Ross, Skye and Lochaber cannot be extended geographically because it is the largest constituency you are willing to contemplate and therefore it cannot grow in terms of its electoral population the logic of the situation is that it must be dissolved into other constituencies. It cannot physically gain extra electors unless all of them get very busy and produce however many new voters over the next few years. We do not think that will happen. The logic of the situation is that that constituency *ipso facto* must be dissolved if you believe in having 76,000 voters. If you do not believe in that it simply becomes another exception where you say it is a large constituency and, therefore, it will be all right to have 55,000 voters. Therefore, the geographic model does not quite make sense.

Mr Clegg: To be clear, this is not an exception for that constituency. Along with all other constituencies that constituency may well be redrawn entirely. That is not for me but the boundary commissions to determine. It is not about that constituency; it is about setting a ceiling on sheer geographical size beyond which boundary commissions cannot go. In a sense the exception is not for the Ross, Skye and Lochaber constituency; it is simply saying to the boundary commissions that when they implement the principle of greater fairness and equality in terms of the number of voters in each constituency they can depart from that if the constituency reaches the ceiling of 13,000 square kilometres which as it happens is the size of only one constituency at the moment and is quite exceptional compared with others. I believe it is a much more modest caveat than you seem to suggest.

Q60 Tristram Hunt: It is quite important, because it is saying that that constituency having reached that geographical limit is therefore exempted from the population requirement.

Mr Clegg: Not that constituency; the constituency might be different. Let us start again. Do you accept that for an individual to represent a constituency and to do so successfully in our single Member constituency system, whether it is first past the post or AV, there is a major practical constraint on the ability to do it related to how much physical territory he or she needs to cover? If you accept that principle then I think you also have to accept that at some point you need to say to the boundary commissions in statute that there is a ceiling on geographical size. Our thought - if you have other suggestions I shall be keen to hear them - is that in the absence of anything else to set that ceiling at the largest size of current constituencies is a sensible thing to do, not least because it is so out of step; it is about 5,000 square kilometres larger than the next largest constituency, so it is a very high limit.

Q61 Tristram Hunt: Does it mean therefore that the size of the other constituencies in Scotland must take up the weight so that they rise to 78,000 or 79,000 if you are doing it nationally by size of constituencies?

Mr Clegg: It means that the boundary commissions must seek to deliver across the whole country constituencies with approximately the same number of people; that is, 5% either

side. It will probably be about 76,000 depending on the electoral register published at the beginning of December. There are two exceptions: one is the two island constituencies because of their unique geographical location and size; the other is the setting of a geographical size. If they have to do that by exceeding 13,000 square kilometres they can exempt themselves from that strict rule, but they may well find they can do it within the geographical ceiling given we have set it as high as we have.

Chair: I shall now take a group of questions, starting with Stephen Williams.

Stephen Williams : As to size, I want to ask about the methodology that the boundary commissions will use to get to the optimum number of about 75,000. I represented the Liberal

Democrats at the boundary commission inquiry in both written and oral evidence back in 1999/2000 when the commission looked at the boundaries for the former county of Avon, which now includes one of the seats I represent. I told them at the time that there were umpteen planning permissions in place for new houses and flats in the city centre; there were cranes constructing some of them. They said they could not take any of that into account but purely the electoral register as it stood at that time. That was over 10 years ago. At the time Bristol West was the largest urban seat in the country. In the 2005 election my electorate was 81,000; in the 2010 election it had reached nearly 84,000. Therefore, the sole purpose of the boundary review in Bristol was an utter waste of time because it took so long to implement but it would not use the balance of evidence that was available. Is it possible for the boundary commission to use evidence other than purely the electoral register as it stands; that is, census, council tax and all the OS data available in the public domain?

Mrs Laing: First, do you agree that partly in answer to what Stephen Williams has just said the speedy introduction of individual voter registration, for which some of us have argued for many years, will increase the comprehensiveness of the register and allay the fears of many people about that issue? Second, do you agree it is a very simple principle that every vote should have equal value? Will you enforce that strictly?

Sir Peter Soulsby: In your initial presentation you described the House as being much larger than comparable legislatures. As I understand it, it is only very slightly larger than the German Bundestag; similarly, the Italian Chamber of Deputies has 630 members and the French National Assembly has 577 members. Why have you chosen 600 rather than 500, 550 or 650? What is the logic behind what seems to be an apparently arbitrary choice of 600?

Simon Hart: You mentioned the geographical and population maxima for the revised boundaries. What consultation will be undertaken by the Boundary Commission in this regard? It seems to me that if those are the criteria there is almost no provision for consultation at all. As we have heard from others, 75,000 people in a rural area present a very different problem from 75,000 people in an urban area. It takes me an hour and 50 minutes to drive across my constituency; it takes my friend Kate Hoey an hour and a half to walk across hers. In what way can we look forward to an engaging consultation with the Boundary Commission or is it essentially a done deal?

Catherine McKinnell: To pick up a couple of points raised by Mrs Laing and Stephen Williams but to take a slightly different view of them, do you have any concerns about the number of unregistered voters on the electoral register? Have you given any

consideration to rushing through this legislation and not waiting for the planned census in March 2011 which will give us more accurate data to deal with some of the problems raised by Stephen Williams? What action will you take to tackle under-representation which individual voter registration may exacerbate if it is done in too much of a hurry?

Q62 Chair: To add to that, the register on which all this will take place is the December 2010 register. What will happen between now and December 2010 to get people registered? Will help be provided to electoral registration officers and councils to register the large number of people who currently are not on the register?

Mr Clegg: Perhaps I may deal first with the cluster of issues about unregistered voters, individual voter registration and how we improve what is called the annual canvass. We need to do several things at once. First, we need to hold boundary reviews more regularly. Stephen Williams said quite rightly it is an absurdity that the last general election was fought on boundaries determined by a boundary review derived from electoral registration data that is now over a decade old. Once we start on this process we need to do it more regularly precisely so we do not get this huge time lag between register and eventual boundaries. Second, we need to build upon the commitments made by the previous government to move towards individual electoral registration. Catherine McKinnell is absolutely right to say that that in itself is not a panacea for non-registration. If it is done properly and properly resourced it can be but I agree that in principle it is not a panacea and we hope to come forward with some ideas very shortly about how we do that. I have discovered that it is immensely expensive and so there is a resource issue. We are trying to find a way to do it properly without cutting corners. I hope that I or the Parliamentary Under-Secretary of State Mark Harper will be able to talk to you about this on a future occasion. Third, what we are looking at currently is whether we can equip electoral registration officers in local authority areas with means by which they can try to identify people who are not registered. There is a good deal of debate about whether the figure of 3.5 million is accurate. I believe it was derived from 2000 data, so it is quite out of date. For instance, what we could do - I stress that we are only looking at it - is give electoral registration officers the capacity to compare the data on the electoral register with other readily available data. It does not create a new database. I would never permit the creation of new pools of private information, but it they would just compare them and knock on people's doors and tell people they are on one database but not on the electoral registration. That is one very pragmatic thing to do. As the Chairman mentioned, the final thing is whether we can do something to dramatise the annual canvass. That is something we can probably do in our own areas much more than we do. I know some Members do a great deal of work with their local authorities to make this known to people publicly in their own areas, but maybe we can compare best practice in those areas where everybody is really aware it is happening in the cycle from 1 July to 1 December, the target date being 15 October. I am aware that some Members have suggested that maybe we should do the annual canvass at a different time of year. We are genuinely open to looking at those things. We need to do all those things together - there is no single magic wand solution or panacea to deal with under-registration - to move towards individual electoral registration and make sure we do not have this time lag between the register and the boundaries that are eventually decided upon. As to the figure of 600, prior to the election the Conservative Party had a proposal to cut the number of MPs to 585. The Liberal Democrats had an even more radical proposal but it was linked to a different electoral system to cut down the size of the House. We can quibble about international comparisons, but broadly speaking it is incontrovertible that it is a very large chamber. We took some of those ideas as our starting point and decided that we needed some

flexibility to make sure we did not create totally unfeasible straight lines on the map which made absolutely no sense. We have now settled on 600 which is a 7.6% cut in the total number. A third of Members already operate on the basis on which many other Members will operate after the boundary review. In our judgment it struck the right balance in making the change we wanted to, cutting the cost of politics, making sure that votes were of equal worth wherever they were in the country but also creating a chamber of sufficient size both to represent constituents and hold the executive to account. In response to Simon Hart, there needs to be extensive consultation and one of the proposals we shall be publishing in detail in the Bill in the next few days will extend the period during which written representations can be made to the Boundary Commission. I am very mindful of the fact that there must be ample opportunity for people to be consulted and express their views.

Chair: I do not know whether Sheila Gilmore believes her questions have been answered so far. If not, I will call upon Sheila Gilmore, Tristram Hunt and Stephen Williams.

Sheila Gilmore: I am still not entirely clear about the knock-on effect of breaching the number in some constituencies. Having a cap of 600 could have an effect on others. Are you comfortable with that? We must also take into account that, for example, in Scotland we had a substantial reduction in the number of seats only five years ago and so this would involve another reduction. The problem with registration is that it is not consistent over the country and we do not need to do research to know that all of us who have been out campaigning know this is something that affects some parts of the country more than others.

Tristram Hunt: The last boundary review in England took six and a half years. John Major's review in 1992 took four years because the government increased the staff of the Electoral Commission from 12 to 40. Will you look to do the same in terms of increased funding? Will you also look to cut the number of ministers relative to the cuts in the legislature so that everything you said about holding the executive to account and not having an overriding executive is reflected in the legislation? Finally, will you allow a right of appeal to the boundary commission by political parties?

Stephen Williams : I want to follow up Sir Peter Soulsby's question about the size of comparable European parliaments. France and Italy are more comparable with Britain in terms of population. The difference between the UK and those countries is that they decentralise much more power from Rome and Paris than we do here, so I struggle to understand the rationale for a reduction in British Members of Parliament when we do not have balancing proposals in the coalition agreement and far more power in Bristol and Sheffield for that matter.

Sir Peter Soulsby: I want to get a specific answer about the process. Will local council and constituents still be able to call local inquiries if they disagree with the provisional recommendations of boundary commissions? That is an important part of the process at the moment. Can you give a very clear answer on whether or not that provision will remain?

Chair: The final question in this round comes from me. Have you considered imposing a duty upon the Boundary Commission to treat the existing number of Members of Parliament as a ceiling - therefore any future Boundary Commission must reduce the numbers - and maintain that ceiling, which means that next time round that becomes the

new ceiling, so there is always downward pressure on the Boundary Commission's number of constituencies until you reach some sort of optimum number? In other words, you get to where you want to be without changing the existing rules by applying downward pressure on the Boundary Commission in terms of the number of seats. It may take two or three boundary commissions to do that rather than getting it done hurriedly in time for the next election. I cut Mr Turner short and he will put a quick question.

Q63 Mr Turner: Could you look also at where people are over-represented; that is, people on the register who should not be on it?

Mr Clegg: Sheila Gilmore asked about further reductions in the number of seats. The important point to make, which touches slightly on the questions put by Tristram Hunt and Stephen Williams, is that we have had very significant devolution of powers to the Scottish Parliament and Welsh Assembly. As a coalition government we have made clear that we want to go further. We want to implement the Calman Commission. A referendum will be held in Wales and if it leads to a yes vote that will lead to a Calman process itself in Wales. Therefore, we are living in a Great Britain which is already far more devolved certainly to the nations, but perhaps not to Sheffield and Bristol to which I will come in a minute. There is no harm in having that reflected in the rebalancing of the number of politicians here, in a federal parliament if you like, and in the parliaments in the nations of the United Kingdom. That is why, for instance, we shall be moving towards a decoupling of the present link between the numbers of Assembly Members and MPs. There is no logical reason why that link should continue. We shall be proposing in the legislation that that is decoupled so that eventually it will be for the Assembly to decide its own numbers, not for that to be an automatic consequence of what in a sense is an unrelated process of electing MPs to Westminster. I agree with Sheila Gilmore that registration is patchy. If I may say so, the debate about registration has been characterised as one where somehow it is only in inner city and urban seats that there is a problem of under-registration. That is factually not right. There is a real problem of under-registration in coastal seats and student seats which, parenthetically, lots of Liberal Democrat Members including myself represent. The idea that there is an overlap between those areas where under-registration is high and the political complexion of seats is just factually incorrect. I understand that people have a great deal of fun trying to make that argument but the facts just do not bear it out. There are acute problems in non-inner city areas as well. As to resources, we will be keen to look at that. It would be senseless to try to move at the pace we are doing without making sure it is done properly. If we arrive at a parliament that is 600 rather than 650 we have the current number of ministers but in the next parliament a subsequent government should have an open mind about whether the number should be reduced. I see Sir Peter Soulsby shaking his head, but it seems to me that he seeks to draw a link between the numbers of MPs and the number of ministers. The cuts we propose will not take place this side of the next general election so I hope that is a reasonable point to make, but if he feels that there is a link then that link, if it needs to be made, should be made in the number of ministers when the change occurs. It has not occurred yet. Stephen Williams asked about the general narrative of a smaller central parliament with more powers devolved elsewhere. I have given part of that answer to the increase in devolution to Scotland and Wales, but I agree with him that I hope we will also make substantial progress over the next five years in greater devolution within England as well. We are working on that in government right now. I think you have seen some signs of the direction of travel. For instance, we have announced in the NHS White Paper - by the way, I believe some aspects of it have been overlooked - a dramatic increase in the power of local authorities to unite social care and healthcare, which is a

division that has blighted our healthcare system for far too long; promote public health issues with much greater authority; and provide strategic oversight of the way GP commissioners work. That is a dramatic increase in local authority healthcare which is an area of vital public interest. Obviously, we have been talking of the idea of directly electing police commissioners. We have been very open about the fact that we want to revisit that. It is very complicated. Local government finance has been a graveyard for governments in the past. We have an almost uniquely over-centralised fiscal system and we want to look at that over time. I agree that that would be consistent with a parliament of a slightly more modest size; that is, a 7.6% cut in numbers. Mr Turner asked about proposals for regular boundary reviews; improving individual elector registration; and allowing electoral registration officers to seek out those who are not on the register. Would it also flush out those people who should not be on the register in the first place? Yes. The experience in Northern Ireland is precisely that. It uncovered a fair number of people who should not have been on the register in the first place. That is as wrong as having people not on the register who should be. It is a two-way street. Sir Peter Soulsby asked about local inquiries. We are looking into that at the moment. We are very keen to make sure that the consultation process is extended. What the knock-on effect will be on local inquiries as they are presently constituted is something we are looking at currently. Obviously, we shall publish that in a Bill very shortly. Our intention is to move immediately to the 600 and have it on the face of the Bill and for that to be the mandate, if you like, for boundary commissions such that they come up with recommendations which will lead to a parliament of 600.

Tristram Hunt: Can you say whether political parties will be able to appeal?

Q64 Chair: We will pick up that question at the end if we have five minutes because we have taken the best part of 30 minutes on this particular topic.

Mr Clegg: I am very happy to return to it. The short answer is that of course political parties will retain the right to be consulted and so on.

Chair: I promise that we will come back to that, but it means everybody must be disciplined over the next two sets of issues, the first one of which is fixed-term parliaments, confidence votes and dissolution.

Q65 Mr Chope: In the first Adjournment Debate of this Parliament the Deputy Leader of the House confirmed that there would be a motion brought before the Chamber before the summer recess setting out a binding motion on the date of the next general election. What has happened to that?

Mr Clegg: We felt that was necessary on the assumption that the legislation would then come much further down the track. When we looked at it again we decided it was simpler and also in a sense would provide greater scrutiny for the measure in Parliament if we just moved straight to introducing a Bill and that is what we shall do next week. I freely admit that we have shifted in a sense but it is a procedural shift. Initially, we thought we needed the motion to show the political commitment to a fixed-term parliament and then, on a more leisurely timetable, produce the legislation. The closer we looked at it given its constitutional importance we thought it better and more proper to move to legislation on a quicker timetable.

Q66 Mr Chope: Why do we need to legislate for a fixed-term parliament in respect of the

current Parliament rather than future ones when the Prime Minister has already said he is happy to have a general election in May 2015 and not before?

Mr Clegg: Dare I say that part of the principle of introducing fixed-term parliaments is precisely that it is not just in the gift of the Prime Minister to choose *x* or *y* date? As the Prime Minister has made clear, the whole point is that this would remove his right to be the sole arbiter of the date of the next general election. I think one can do that in a belt and braces way only through primary legislation.

Q67 Mr Chope: But does it not suggest that there is a lack of trust at the heart of the coalition because you can introduce legislation so that prospective parliaments are bound by a fixed-term rule? In this Parliament there is the complication of a possible AV referendum. Is not your desire to encapsulate something in the form of legislation to provide you with a way out if the AV referendum goes the wrong way? You said earlier that you hoped Members of this Parliament and the country were grown up, but there are lots of rumours circulating that if the Liberal Democrats do not win the AV referendum they will pull out of the coalition and that is the reason why we need to legislate now for a fixed-term parliament.

Mr Clegg: You have an elegant but suspicious turn of mind. This is really not driven by endless rumours and counter-rumours about what might or might not happen in future. I think it is a simple fact that if you look at fixed-term parliaments anywhere else around the world - this goes back to the earlier discussion - this is a constitutional innovation of significant proportions and should not be left to the whim of an individual prime minister or politician; it needs to be enshrined in legislation. It would be bizarre to have a political commitment to a fixed-term parliament that applied to only one parliament. Surely, the point of a fixed-term parliament is precisely to give the reassurance that that is the way it is fixed henceforth, and again I think that can be done only through primary legislation.

Q68 Mr Chope: Effectively, you are arguing for is retrospection because you did not go into the election saying that there should be a fixed-term parliament.

Mr Clegg: Yes, we did.

Q69 Mr Chope: If you arrived now and decided it would be nice to have a seven-year parliament and we should legislate for this Parliament to continue for seven years we would all be jumping up and down and calling it retrospective legislation. Can I ask you immediately to confirm or scotch the rumours that if the AV referendum goes the wrong way the coalition will be at an end?

Mr Clegg: I can happily scotch any rumours. I have given up following all the rumours which are invariably wrong. We did campaign on a fixed-term parliament. I think the Labour Party before the last election and also your Leader in opposition came out in favour of it. All parties declared that they were in favour of fixed-term parliaments in a unique way - it had not happened before - in the months leading up to the general election, so there was at least that rhetorical consensus in play.

Q70 Mr Chope: During the election campaign my leader, the current Prime Minister, said he thought that if there was a change of PM it should trigger a general election within six months. Do you agree that is completely at odds with a commitment to a fixed-term parliament?

Mr Clegg: I think the commitment to a fixed-term parliament was widely shared amongst all parties for the very good reason - I would hope this would make you an advocate of the measure - that it lessens the discretion of the Prime Minister. We saw this absurd spectacle in 2007 when the whole country was hijacked for week after week in seeing whether or not the people in the bunker at Number 10 would decide to hold a general election. It was debilitating; it crippled good governance. In particular, it makes a mockery of the idea of parliamentary accountability of the executive. It puts all the power in the hands of the executive. This is an issue we would deal with through fixed-term legislation. It should not be the plaything of a politician, and where there is a power of dissolution that power should be administered by Parliament, not the Prime Minister.

Q71 Tristram Hunt: In your speech on 16 May on "New Politics" you said: "This government is going to transform our politics so that the state has far less control over you, and you have far more control over the state." Some of us do not have a problem with fixed-term parliaments but the length of parliaments. The five-year model given what you said at the beginning of your evidence about changes in culture and politics seems to go against the grain both internationally - Robert Hazell has said that five years is long in comparison with other parliamentary systems - and the history of parliaments in the 20th century. Why have you gone for five years in your "scotching rumours" moment when the culture of British politics seems to suggest four years rather than binding you all together for five years?

Mr Clegg: Being the historian amongst us, you will be aware that the Septennial Act of 1715 five years was specified as the maximum period. You will also know that the outgoing Labour government has just governed for five years. I agree that we can have a debate about the ideal time, but taking that constitutional precedent of a maximum period of time in the Septennial Act and establishing that as the guide for a fixed-term parliament seemed to us to be a sensible way to proceed. Do I think that in practice 12 months makes an earth-shattering difference in terms of the length of time of a fixed-term parliament? No, I do. I accept as a fact that some government have run short of that maximum term, but it seems that, going with the grain of some of the founding texts of our unwritten constitution and following the precedent set by the immediate outgoing government, to give any government of whatever complexion enough time to govern and deliver a programme of change and reform seems to us to lead towards a five-year period.

Chair: If I may be permitted a "Nick Boles" moment, if one looks at social policy as I do and trying to break into generational cycles, one is bedevilled by the fact that government policy changes rapidly and is on an annual budgetary cycle and often on a four-yearly, sometimes shorter, electoral cycle. Therefore, I believe that consistency and stability would be helped in a large number of areas, particularly if we can achieve a party-political and social consensus on social policies. Let us move on to the remaining miscellaneous bits of your responsibilities, if I may put it in that way. I begin with Nick Boles who has a question about a bill of rights.

Nick Boles: I shall try to recover my reputation by asking questions. First, certainly it was a proposal by the Conservative Party in the election campaign to bring forward a bill of rights. I understand that is subject to a commission, review or whatever it is. While I believe that technically in the organisation of government that might be the responsibility of the Ministry of Justice it strikes me that it is more clearly a constitutional measure, so the question is whether you will take a lead role in that and therefore whether this Committee will also be playing a role in scrutinising it.

Chair: Perhaps I may prompt Nick Boles on his idea about recall.

Q72 Nick Boles: I have a particular interest in the question of recall. Would you be willing to consider doing some work on this? My predecessor, as indeed David Cameron's predecessor, defected to another party from the one under which he was elected. I believe that part of the process of making politics more like people really think it is rather than like we would pretend it is is to recognise that even though technically we are elected as individuals in reality most people vote - it is probably not true in the case of some very well-known MPs - for representatives of their party. Certainly, in my constituency the level of anger, which did not apply just to Conservatives when the sitting Member decided that it was acceptable for him to join another party and not give constituents the opportunity to say whether or not they wanted to stick with him as their MP, was intense and remained so long after it happened. Would you consider adding to the recall provisions on MPs who are naughty boys and girls in some determined way another particular category, namely that where a Member defects, as opposed to being thrown out, there should be a requirement to call a ballot if that individual wants to remain the MP?

Mr Clegg: As to a British bill of rights that is something on which the Secretary of State for Justice and myself are working together. You will be aware that the coalition agreement was very clear: we would a commission to look at the case for a British bill of rights, mindful first of the need to protect in full all the rights and responsibilities under the European Convention on Human Rights and the way those are translated into British law. That is a matter on which we shall be working together and we hope to make some announcements on it fairly shortly. I am not persuaded of the case for including defections in the mechanism of recall. I should stress that this is a classic area where we could do some fruitful work together. We all agree, do we not, that the power of recall is a great thing? If someone has committed some serious wrongdoing and the House has in a sense failed to hold the individual to account we all agree - we went into the last election on this basis - it is wrong for constituents to wait until the next general election to cast their own judgment. There are some crimes and acts of wrongdoing that already automatically disqualify a member, for example if the MP is in prison for more than a year. I believe that it happened only once in the case of Fiona Jones, but she was reinstated.

Q73 Chair: Indeed. She went through hell and was then reinstated. One has to draw the rules very clearly.

Mr Clegg: We do. We must get the right balance to allow people in constituencies to hold their MPs to account if they have been shown to have committed serious wrongdoing. That is the first caveat. The second one, which is our suggestion, is that the mechanism is triggered only if 10% of people in the local area sign a petition. I think it can be broadened too much and the problem is that it becomes a plaything for politicians so they can start to tear strips off one another. As you can hear, our view about how the recall mechanism should work is not fully formed. The principle is easy to establish but the devil is in the detail. How we make it work so it strikes the right balance to provide accountability but does not topple into political vigilantism is really tricky, and maybe that is a matter we can take up on another occasion.

Q74 Nick Boles: I want to make clear that it was a mistake of mine to link my proposal on defecting MPs to the recall mechanism. It is a completely separate case. I think it is the

simple truth that the British people believe they are voting mostly for people who are representatives of their parties. If they believe them to be terrific constituency Members they will reelect them after defection and any MP with any honour and self-respect should have the courage to stand up and say, "I have changed my mind for these reasons. I hope you feel that I am still a good constituency Member and you will continue to support me." I believe it is intolerable to suggest that the people, who after all employ us and put us here, should not have that opportunity, but I do not believe it has anything to do with the other recall provisions. I hope that you will at least ask some people in your department to have a look at it.

Mr Clegg: Yes.

Chair: I shall ask Catherine McKinnell and Mr Chope to put questions.

Catherine McKinnell: The current percentage of women MPs is 21.9%. If I were to make a political point, a huge proportion of them are from the Labour Party and not many from the Liberal Democrats. That gives me concern that in some of these proposals we do not appear to be looking at the issue of representation. In the list of things to be considered you have drawn up is improved access for disabled Members. I can see why the government has to take a role in that, but given that we are to institute land mark political changes can you provide us with reassurance that you have taken into consideration and will also be exploring all the issues of how to improve the representation of women and ethnic minorities in the changes and that they will not impact negatively? There is concern that these changes will impact negatively on minority representatives, for example reducing seats in the open primaries. There is a general concern out there and it has not been addressed or looked at.

Q75 Mr Chope: You will know that the issue of English votes on English issues is a very hot topic in our constituencies. You are committed to setting up a commission on the West Lothian question. When will be set up and report because we need to get some action on it early in this Parliament, do we not?

Mr Clegg: On Catherine McKinnell's point, I would be very keen to hear directly - I do not know one would organise it - her the concerns that unwittingly any of the proposals we put forward would make it more difficult for Parliament to become more diverse in the way it needs to be. One thing I will definitely do is work with officials literally to test everything we are doing to flush that out; otherwise, it would be a spectacular own goal. I strongly agree with the assertion that we have greater diversity in Parliament. I am leader of a party which is lamentably unrepresentative of modern Britain. I shall off my own bat and party be making announcements and taking some initiatives in the autumn to try to correct that. Each party has its own debate to hold. There was a very complex debate about the short-term gains of cracking this problem by setting aside places, setting quotas and so on sometimes with the long-term costs of that not being sustainable over time. I know that debate is held in the Labour Party probably more than others. At the previous election the Speakers Conference looked particularly at greater access for candidates with disabilities but, more broadly, the lack of diversity. That made some very powerful recommendations upon which we need to act. I hope this is something that we can do in concert. I am quite open as leader of a party that is not yet sufficiently diverse in its representation in Parliament that we need to learn the best lessons of what has and has not worked elsewhere. There is a party dimension, government dimension and also a parliamentary dimension which is not the remit of the government. I believe that how

Parliament conducts itself, how things are timed and the way in which we conduct ourselves in the Chamber has quite a dramatic off-putting impact on all people of whatever gender, colour and denomination, particularly among younger generations. I think it might have a disproportionate discouraging effect on some rather than others. On the West Lothian question, we shall be keen to set it up. We hope to make an announcement on that in the autumn.

Chair: Colleagues on this side of the aisle, so to speak, will need to put their questions quickly.

Sir Peter Soulsby: Perhaps I may return briefly an earlier question. I asked about boundary commission recommendations and local inquiries. At the moment local people and local councils who disagree with provisional recommendations have an opportunity to call for a local inquiry. You failed to give an answer to assure us that that right would continue. If that right is taken away how would it be consistent with the empowerment of local people?

Simon Hart: It is slightly ironic that you have settled on a figure of 10% as the threshold on the subject of recall whereas you do not really like thresholds in any other context. That may be a bit flippant, but can you ensure that if there is a threshold figure it does not permit political parties to launch an operation in those circumstances just to discomfort or remove somebody from a different party?

Mrs Laing: I turn to non-contentious issues on electoral administration. We discovered in the run-up to the general election that the powers and duties of returning officers were ill-defined except by reference to the Electoral Commission. We discovered this when we tried to enforce an election count commencing on election night. Eventually, there was cross-party agreement. There is a gaping hole. In addition, if electoral returning officers are to do their duties properly, including IVR, will there be earmarked funds for them to do so?

Tristram Hunt: Referring to the role of the sovereign during the two-week dissolution, is there any change to the prerogative rights of the palace during the search for a new government?

Stephen Williams : Can you promise us that in the 2015 general election Lord Ashcroft and Unite the Union will not go round the country buying up seats?

Chair: That was an abuse!

Q76 Mr Turner: Your manifesto contained reference to Europe as did ours, but we are having a referendum on something else. What has happened?

Mr Clegg: Those are totally uncontroversial things all saved for the end, and I have to answer them in two minutes flat. In response to Sir Peter, I have not provided a full answer because we have not fully drafted the Bill yet. What is in the Bill will replace existing arrangements. As I indicated in response to Simon Hart, we are keen that the period of consultation should be extended, not subtracted. That will have a knock-on effect on how and whether you hold inquiries. Perhaps I may ask you to hold on for a few days and see what we put into the Bill. The point of the threshold is to achieve precisely what you suggest and not allow this to become the plaything of political parties, but again

whether it is 10% or 12% may be something we can discuss at another time. On the question of recall we must get the right balance to achieve accountability but prevent the whole thing collapsing into tit-for-tat stuff between the parties. I strongly agree with Mrs Laing; we need to look at this. The Electoral Commission has just produced a report on the mishaps at the last general election. The biggest delays and mess probably occurred in a section of my community where hundreds of people were turned away even though they have been queuing for two hours. That also has in it some comments about the roles and responsibilities of returning officers and whether they are being properly resourced and held to account. We have not yet fully analysed and looked at it, but I am mindful of what you say. In response to Tristram Hunt, boy do I hesitate to reply emphatically on something as sensitive and obscure in equal measure as the royal prerogative? If I understand it correctly, there is no proposal to change it during the two-week period that would ensue if a motion of no confidence in the government was carried. In keeping with arrangements in many other parliaments in the democratic world, a two-week space is provided during which attempts are made for another government to form itself. In response to Stephen Williams, the intention is to pick up from some of the previous attempts, notably the cross-party talks under the chairmanship of Sir Hayden Phillips, to deal with party funding so that we can finally together remove the stain related to party funding which has affected all of us. No one can be holier than thou. We have to show by the next general election that big vested interest and big money do not run our politics, and it is unbelievably important that we do that; if not, we will go the way of America and our politics will just be hollowed out by moneyed vested interests from whatever quarter. Finally, in response to Mr Turner's question about Europe the coalition agreement states emphatically that there will be a referendum lock such that in the event there is any proposal for transfer of powers from here to the European Union on that occasion the British people will have their say in a referendum.

Chair: Deputy Prime Minister, it has been a great pleasure to have you here. We are delighted that you agreed to come within one day of our creation. It also shows how seriously this Committee takes its responsibilities on pre-legislative scrutiny and evidence-taking. We are moving very rapidly. This has been a *tour de force* across the whole field with a lot of detailed questions with still a lot unsaid on the balance between Parliament and the executive. The royal prerogative barely got a mention. We shall be returning to some of the really big issues such as local versus national and separation of powers. We appreciate your evidence today.
