

## **Oral Submission to the Boundary Commission for England**

1. Mitten Dah, Good morning. My name is John Pollard and I am the Leader of Cornwall Council. I appear today on behalf and with the authority of Cornwall Council. I am pleased to welcome the Commission to County Hall today and I am grateful for the opportunity to speak at this hearing and to stress that the issue of the Parliamentary Boundaries and the integrity of our border is of huge importance to the people of Cornwall.
2. I apologise for not being able to speak to you on Monday but I was out of County at an important conference. However my representations will be substantially the same as those provided by my nominee Richard Williams, Head of Cornwall Council's Assurance Service, who spoke to the Commission on behalf of Cornwall Council in Exeter.
3. Paragraph 79 of the Initial Proposals document states that all forms of representation will be given equal consideration by the Commission, and I would like to advise the Commission that the Council may be making additional written submissions before the end of the consultation period on 5 December.
4. I am here to tell you that Cornwall Council, by a substantial vote of 71 to 12, at an especially convened Council on November 1<sup>st</sup> does not

support your initial proposals for the South West due to the inclusion of a cross-border constituency for Cornwall and Devon, which has been named "Bideford, Bude and Launceston". This Council has consistently opposed any attempt by the Commission to create a cross-border constituency and has also opposed any legislative provision which could result in a cross-border parliamentary seat being formed.

5. This is not about separatism, this is not about any antipathy towards our neighbours in Devon or indeed we have nothing against Bideford. Truly we have positive relationships with all our closest neighbours but we equally believe that a cross border Constituency is contrary to the interests of our county neighbour.
  
6. On 17 May 2016, Cornwall Council passed the Motion titled: 'Opposition to Devonwall Constituency', which strongly objected to what appeared to be the inevitability of a 'Devonwall' constituency being proposed in the 2018 Boundary Review. This was as a result of the introduction of the Parliamentary Voting System and Constituencies Act 2011, an amendment to the Parliamentary Constituencies Act 1986.

7. The 1986 Act (as amended) is a very prescriptive piece of legislation which provides the Commission with only a very narrow band of 5% either side of the Electoral Quota within which to take account of the special considerations of all the diverse and individually distinct regions in the United Kingdom. It is solely because of this limited mathematical discretion that Cornwall and the Isles of Scilly cannot be allocated what their electorate overwhelmingly wish for – the allocation of whole parliamentary constituencies within their historic boundaries.
8. In parallel with the Parliamentary Boundary Review, Cornwall Council is subject to a review of its divisional boundaries by the Local Government Boundary Commission who are entitled to depart up to 10% from the average electorate for each division – a discretion which, if applied to the Parliamentary Review, could easily achieve the objective of constituencies wholly within Cornwall and the Isles of Scilly.
9. Cornwall Council believes that this legislation so excessively constrains the Commission's discretion as not to be fit for purpose. The electorate of the United Kingdom appreciate, whilst recognising the principle and importance of electoral equality, that the safeguarding of distinct regions and communities is vital and should be given special consideration over and above an inflexible mathematical calculation.
10. Cornwall Council recognises that the Commission is an independent body and must carry out its responsibilities in accordance with the

legislation. However, Cornwall Council will not stand idly by while Cornwall's well defined border is compromised by the stringent observation of unnecessarily strict rules.

11. We urge the Commission to strongly express its frustration to Central Government that it is unduly constrained by the 5% rule and whilst the objective of electoral equality is clearly important, the Commission should be empowered to depart from that rule in circumstances where the special geographical considerations, local authority boundaries and maintenance of local ties are clearly of greater significance to the electorate than absolute parity of numbers.

12. Cornwall Council would like to highlight to the Commission that, when considered without the 1,651 electors resident on the Isles of Scilly, 5 constituencies wholly within the historical Duchy boundaries of Cornwall can be created within the statutory electoral range. The addition of the population of the Isles of Scilly tips Cornwall over the electoral tolerance for 5 constituencies. The Isles of Scilly is an archipelago of islands 28 miles off the West Coast of Cornwall with its own unitary authority; perhaps nothing demonstrates the inappropriate severity of the legislation more than the fact that the small number of electorate on the Isles of Scilly can have such a profound impact on the critically important issue of maintaining the integrity of Cornwall's historic boundaries. We believe it incumbent on the Commission to examine and address this anomaly in any way it can – including making representations to Government.

13. Cornwall Council will be lobbying central Government for a change in the legislation. We will be demanding that the legislation be amended to provide Cornwall and the Isles of Scilly a whole number of constituencies entirely contained within the historical Duchy boundaries and that the special considerations are such that Cornwall and the Isles of Scilly should be exempted from the strict application of the 5% rule, much in the same way that the current legislation establishes the Isle of Wight as a special case and a self-contained electoral region.
  
14. Cornwall is a place which demands particular consideration. Central Government has repeatedly recognized the distinctiveness of Cornwall and has taken decisions and entered into agreements which reflect that unique status. I would like to take this opportunity to remind the Commission of the Government's approach to Cornwall and why creating a cross-border constituency flies in the face of that consideration.
  
15. First and foremost, this is demonstrated by the recognition of the Cornish people in April 2014 as a national minority under the Framework Convention for the Protection of National Minorities. This means the rights of the Cornish people need to be considered when legislation and national and local policy is formulated. The official government press release at the time stated that "the decision to recognise the unique identity of the Cornish, now affords them the

same status ... as the UK's other Celtic people; the Scots, the Welsh and the Irish."

16. The Cornish were recognised under the Framework Convention after the Parliamentary Voting System and Constituencies Act 2011 was passed and the Act therefore could not and did not consider their rights under the Convention. The Commission's initial proposals threaten the identity of Cornwall and the Cornish in the area of North Cornwall and is a measure which creates a single political unit where the Cornish people are in a minority. These consequences are in conflict with the spirit of articles 5.1, 5.2 and 16 of the Framework Convention. All of the UK's other Celtic people have their own boundary commissions and their borders are protected for this and future Parliamentary boundary reviews. It is only right that the Cornish have their borders protected in the same way. Government has recognised the Cornish as a national minority - now is the time for them to stand by their word.

18. Needless to say the Early Day Motion tabled by Welsh and Scots MP's calling for Parliament to acknowledge that the Parliamentary Voting System and Constituencies Act is in conflict with the Framework Convention, and that the Act should therefore be amended to make Cornwall and the Isles of Scilly a protected region to be allocated a whole number of constituencies, has our full support.

19. Additionally, the Cornish Language was recognised by the Government when it signed the European Charter for Regional and Minority Languages as being worthy of safeguarding and protection. Constituency boundaries which are coterminous with the historic Cornish boundary would ensure exclusive representation for the Cornish people and Cornish matters including the language. Currently, where representation is regional, it is difficult for Cornish language matters to be fully and appropriately represented.

20. The boundary changes would create a constituency with Devon residents who would have no interest in matters of Cornish distinctiveness, and thus dilute Parliamentary representation in respect of intrinsically Cornish issues. This creates additional barriers to the protection and promotion of the Cornish people and their language, so soon after the Cornish achieved recognition under the Framework Convention.

21. The iniquity of merging two distinct cultures in the "Devonwall" constituency was effectively summarised by Cornwall Councillor Dominic Fairman, who represents the St Teath and St Breward Division, who stated the following at the Cornwall Council meeting of 1 November: "If you take a line from Bude to Launceston, over half the Cornish constituents will live in the western third of the area of the seat and along the long and winding A39, it is over 46 miles from St

Breward to Bideford. Whilst the legislation is attempting to make democracy fairer, by ignoring geographical considerations and the boundary of our own devolved authority and by sticking blindly to the arithmetic, it will have the effect of seriously disenfranchising the working Cornish villages I represent. It will alienate them from the Parliamentary process and....condemn them to the political wilderness.”

22. Cornwall’s distinctiveness was importantly recognised in the landmark Devolution Deal agreed in July 2015, the first rural devolution deal and the first that did not require the election of a Mayor. In signing the Deal, Government recognised Cornwall’s unique culture, including its historic revived language and passionate communities, and that this cultural distinctiveness is an important factor in promoting Cornwall’s local economy. I quote from page 3 of the Devolution Deal, “This agreement is intended to build on Cornwall’s unique geography and rich heritage”.

23. Cornwall is the largest rural unitary authority in the country and functions as a single economic entity. The majority of Cornwall’s key public sector partners are based in and focussed exclusively on serving the people of Cornwall.

Cornwall has:

- One functional economic area
- One principal Council

- One Clinical Commissioning Group
- One acute NHS Trust
- One co terminus Local Enterprise Partnership
- One Health and Wellbeing Board
- One Local Nature Partnership
- One Voluntary, Community and Social Enterprise Board
- **One** distinct identity and sense of place
- And currently one group of MP's working together to represent Cornwall in Westminster.

24. The Devolution Deal was founded on the strength and co-terminosity of these public sector bodies. The proposal for a cross-border constituency threatens the efficacy of this Devolution Deal and further devolved powers for which the Council is actively negotiating. The "Devonwall" seat would set a precedent for the merger of public services with Devon, which would remove Cornwall's public sector co-terminosity and erode Cornwall's distinct and cherished identity...the very identity at the heart of Cornwall's landmark Devolution Deal.

25. Cornwall's financial and public service aspirations would be dented, and I firmly believe that Cornwall's current and future coterminosity is threatened by what could be heralded as a move towards a "Devonwall" local authority or similar forms of south west regionalised public sector governance.

26. Cornwall's geography is unique and provides the Duchy with unique challenges and opportunities; challenges and opportunities that are not faced by the rest of the United Kingdom. Cornwall's peripheral nature and extensive area have contributed to it being a self-contained region - 92% of Cornwall's working population live and work in Cornwall.

27. Cornwall was awarded NUTS2 (Nomenclature of Territorial Units for Statistics) status in 1996. This meant Cornwall was not grouped with Devon and its more economically prosperous regions for statistical purposes, as doing so previously had denied Cornwall its fair share of EU funding.

28. Cornwall has a thriving culture with strong local traditions. After many years of decline, Cornish culture is flourishing again. The distinctiveness of Cornish Culture in comparison with others is stark, whether that be in Art, Literature, Music, Fashion, Religion, Sport or Food and Drink. Because of this, Cornwall is "a brand." In goods and services when you add the word "Cornwall," it becomes a quintessentially and entirely different product or service. Cornwall "the brand" is vital to the economic vibrancy of our Duchy. The deliberate parliamentary merger of parts of Devon and Cornwall will affect the integrity of Cornwall's culture and, this in turn, will adversely impact on Cornwall's economy.

29. The unique challenges that face Cornwall are substantial. The special considerations and status which apply to Cornwall will inevitably be at odds with equally important but competing priorities on the Devon side of the constituency. Any future Member of Parliament trying to prioritise or to reconcile conflicting aspirations will find themselves repeatedly compromised.

30. Cornwall has been recognised as a unique case in many other facets of public life. In an issue as important as parliamentary representation, how can the same considerations not apply?

31. The arguments I have set out are in no way submitted in a bid to isolate Cornwall from the rest of the UK. Cornwall is an outward looking and ambitious place; the results of Cornwall's recent Governance Review prove that – the review found that Cornwall needs to improve strategic collaboration with its neighbours, and we are taking steps to do exactly that. However this is markedly different from the forced merger of two separate and distinct communities.

**32.** The distinctiveness of Cornwall and the Cornish people are worth fighting for, which is why Cornwall Council will be pressing for a change in the legislation. Cornwall deserves and demands special

consideration alongside the other peripheral regions of the Isle of Wight, Orkney and Shetland and the Western Isles. I reiterate the Council recognises the constraints imposed on the Commission, but we strongly urge them to have equal recognition for the inequity of Cornwall's position and the overwhelming support of this Council and the Cornish people in demanding this legislative change.

33. It has been noted by Cornwall Council that on page 14, paragraph 62 of the report 'Guide to the 2018 Review of Parliamentary constituencies' that "An objection accompanied by a viable counter-proposal is likely to carry more weight than a simple statement of objection".

34. Clearly, the Council's objection cannot be accompanied by counter-proposals as it is recognised that any such proposals would fall outside of the Rules set out under Schedule 2 to the Parliamentary Constituencies Act 1986 (as amended).

35. The Council's position is clear and unequivocal. All the MPs for Cornwall must represent constituencies wholly within the boundary of Cornwall. It is not the responsibility of the Council to dictate to the Government how that objective is achieved. The Government has created this anomaly; it is their responsibility to put it right.

36. However, I have already referred to the unfortunate impact of the Isles of Scilly electorate on reconciling the requirement of the Commission to apply numerical equality strictly in accordance with the Rules with the aim of maintaining Cornwall's territorial integrity. 5 parliamentary constituencies could be created wholly within Cornwall and the Isles of Scilly, each consisting of 78,775 electorate – a mere 268 electors above the statutory range permitted under the 1986 Act.

37. This, in turn, would enable Devon to have 12 parliamentary constituencies contained entirely within their historic county boundary – each with an electorate of 71,064 – a figure within the permitted legislative range. This would have no “knock-on” consequences for the rest of the Initial Proposals for the South-West.

38. I hope this demonstrates how easily a massively damaging and unpopular proposal can be remedied without a significant departure from the legislative principle of numerical equality. If the Government were to adopt a solution which resulted in Cornwall having 6 MP's all representing constituencies located wholly within the Duchy, that would, of course, also achieve the required objective and with a higher level of representation.

39. This submission has focused on the issue of Council's vehement opposition to the concept of a cross border constituency and its application. It recognised the importance of the legislative rules requiring the Commission to consider the impact of “special geographic considerations” and “any local ties that would be broken” in devising

its proposals and urged the Commission to consider carefully the impact of those Rules in respect of all the proposed constituencies.

**40.** In conclusion, Cornwall Council's representation to the Commission today can be summarised as follows:

**41.** Cornwall Council emphatically opposes the "Bideford, Bude and Launceston" constituency proposed by the Commission, for the legal, cultural, geographical, historical and economic reasons, as I have outlined.

42. The legislative rules under which the Commission work are too restrictive and fail to take into account the spirit and intent of the Framework Convention for the Protection of National Minorities, under which the Cornish have been recognised.

43. We urge the Commission to express to central Government its concerns over the legislation not providing them enough discretion to appropriately consider and properly address the unique case of Cornwall and the special considerations which apply.

44. Cornwall Council will be strongly pressing central Government for legislative change which enables Cornwall to be allocated constituencies wholly within its historical border both now and in the future.

45. I know you will hear from many others that Cornwall is a special case  
We ask that the Commission notes the strength of the concern and feeling in Cornwall in relation to the legislative restrictions and the absurd anomaly it has compelled the Commission to propose and that the Commission endorse the Council's proposal for legislative change to enable that anomaly to be corrected.

46. This is about Cornwall acting together – acting as one. We gained a Devolution Deal for Cornwall on the basis that we could represent a distinct political, economic and social area – Cornwall. We need MP's that can lobby, argue and demand for Cornwall. Chipping away at that integrity is dangerous for the future of this wonderful place. The administration I lead is working for a strong Cornwall, a Cornwall which works with everyone and a Cornwall which is able to stand up for itself- a Cornwall where the advantages of our territorial integrity are used to maximum effect for our residents – frankly being represented in parliament by someone with divided loyalties does nothing for Cornwall or the people we represent.

47. Finally, I would like to thank the Commission for listening to Cornwall Council's submissions. I know you will appreciate that we are fighting for a change in the law so that all the advantages that Cornwall has enjoyed over more than a century of Parliamentary representation can be maintained .

48. Thank you.