



**REVIEW OF THE PARLIAMENTARY
CONSTITUENCY BOUNDARIES IN
THE PRESERVED COUNTY OF
SOUTH GLAMORGAN**

**REPORT ON LOCAL INQUIRY
HELD ON 24th JUNE 2004 AT THE
PAGET ROOMS, PENARTH**

1. In January 2004 the Boundary Commission for Wales published provisional proposals for parliamentary constituencies in South Glamorgan. The Commission did so in the course of the 5th General Review of parliamentary constituencies in Wales published by notice on 16th December 2002 which therefore became the “enumeration date” for the purposes of the review (Parliamentary Constituencies Act 1986 s.5 and Schedule 2). In that review the electoral quota, namely the country-wide electorate for Wales divided by the number of existing constituencies in it as of the enumeration date, has been established as 55,640 (as in all the cases below, referred to as “2003” figures since 2003 is the first year in which if there were an election that would be the electorate).

2. There are currently 5 parliamentary constituencies in the preserved county of South Glamorgan. Since the Fourth General Review, in 1994, its electorate has grown. In addition there have been changes to the boundaries of this preserved county such that its electorate on the enumeration date is 325,150. Its previous electorate would have been 317,369 as at the same enumeration date. These are “2003” figures. An electorate of 325,150 divided by the electoral quota gives a theoretical entitlement to constituencies of 5.84 .

3. The Commission’s provisional recommendations retain 5 constituencies rather than attempt to create 6. The creation of 6 seats would involve radical recasting of constituency boundaries. The Commission considered that no six-seat solution would be satisfactory, not least because of the inconveniences and disruption of local ties to which this would give rise. There were no contrary representations and the proposal to retain 5 seats was strongly supported by the Welsh Labour Party the Welsh Conservative Party and the Welsh Liberal Democrats. However the inevitable result is that the county average for the 5 seats in South Glamorgan is an electorate of 65,030, which is high compared with the electoral quota.

4. The electorates of the current seats are (2003 figures):

Cardiff Central BC	60,864
Cardiff North BC	63,615
Cardiff South and Penarth BC	64,566
Cardiff West BC	59,626
Vale of Glamorgan CC	68,698

The disparity between largest and smallest electorate is: 9,072.

5. As a result of changes to local authority and preserved county boundaries brought about by the Local Government (Wales) Act 1994 part of the existing Pontypridd constituency now lies in the preserved county of South Glamorgan; and part of the existing Bridgend constituency also now lies in the preserved county of South Glamorgan.

6. The Commission's provisional recommendations were, in essence, to retain the existing boundaries subject to the following changes:

(i) transfer from the Pontypridd constituency to the Cardiff West constituency of the electoral division of Pentyrch and part of the electoral division of Creigiau/ St Fagans (in other words, that area of the Pontypridd constituency which is now a part of the preserved county of South Glamorgan);

(ii) transfer from the Bridgend constituency to the Vale of Glamorgan constituency of the electoral division of St Brides and part of the electoral division of Llandow/Ewenny (in other words, that area of the Bridgend constituency which is now a part of the preserved county of South Glamorgan);

(iii) transfer from the Vale of Glamorgan constituency to the Cardiff South and Penarth constituency of the electoral division of Sully.

7. I will deal with each in turn.

8. Cardiff West constituency. The electoral division of Creigiau/St Fagans currently finds itself split between Cardiff West BC (1,725 electors) and Pontypridd CC (2,144 electors). Creigiau/ St Fagans and Pentyrch now lie wholly in the preserved county of South Glamorgan. The Commission's provisional proposal is that all should be in the Cardiff West constituency, which at 2003 figures is an addition of 4,961 electors (2,144 electors in Creigiau/St Fagans and 2,817 in Pentyrch). This would produce an electorate in Cardiff West of 64,587, close to the county average of 65,030.
9. The proposals were supported in particular by the Wales Labour Party, the Welsh Conservative Party, the Welsh Liberal Democrats and I note Pentyrch Community Council; also by the constituency Labour parties of Cardiff South and Penarth and of Cardiff West, Rt Hon Rhodri Morgan AM for Cardiff West and Lorraine Barrett AM. Objections were received from the Pontypridd constituency Labour Party and Dr Kim Howells sitting MP for the Pontypridd constituency.
10. The Commission is required to give effect to the Rules set out in the Parliamentary Constituencies Act (s.3 and Schedule 2). The rules provide that "so far as is practicable no county or any part of a county shall be included in a constituency which includes the whole or part of another county" (Rule 4(a)(i)); but the Commission may depart from the strict application of Rule 4 if it appears to them that a departure is desirable to avoid an excessive disparity between the electorate of any constituency and the electoral quota (Rule 5).
11. The Commission also has a settled policy to use electoral divisions as their building blocks for constituencies on the grounds that electoral divisions are generally indicative of areas which have a community of interest and splitting of these units between constituencies is very likely to break local ties, and cause disruption or difficulty.
12. I consider that there is an overwhelming case for the transfers proposed.

13. The proposals eliminate the crossing of preserved county boundaries by a constituency, in accordance with Rule 4. Departure from this is not necessary or desirable to avoid an excessive disparity between the electorate of any constituency and the electoral quota, in that the Pontypridd constituency will be of unexceptional size (54,122 as proposed, or larger if objections should succeed in respect of Cilfynydd and /or Glyncoch). The initial concerns expressed by Dr Kim Howells MP were that Creigiau and Pentyrch were being ‘shunted into’ Cardiff West but there were no representations from local residents, and I received no evidence that the transfer would cause difficulty or was in itself inappropriate. Pentyrch Community Council supported the change and the proposals avoid splitting the electoral division of Creigiau/St Fagans between constituencies. The areas in question appear to fit well enough with Cardiff West on the ground. The change would yield an electorate very close indeed to the county average, in place of one which was 5,404 (or some 8.3%) below it.
14. I could find no significant evidence against the proposed changes. I recommend that the Commission’s provisional proposals be accepted here.
15. Vale of Glamorgan constituency – St Bride’s Major and Llandow/Ewenny. The electoral division of Llandow/Ewenny currently finds itself split between Bridgend CC (609 electors) and Vale of Glamorgan CC (1,459 electors). Llandow/Ewenny and St Bride’s Major now lie wholly in the preserved county of South Glamorgan. The Commission’s provisional proposal is that all should be in the Vale of Glamorgan constituency, which at 2003 figures is an addition of 2,820 electors (609 electors in Llandow/Ewenny and 2,211 in St Bride’s Major). This would produce an electorate in the Vale of Glamorgan of either 71,518, if no further change is made, or 68,229 if the Commission’s proposal to move Sully into Cardiff South and Penarth is adopted. These electorates would be respectively 6,488 above county average (including Sully) or 3,199 above county average (excluding Sully).

16. The proposals were supported in particular by the Wales Labour Party, the Welsh Conservative Party, the Welsh Liberal Democrats and by the Vale of Glamorgan Council; by the Bridgend Conservative Association and Cardiff South and Penarth Labour Party; and were accepted by Lorraine Barrett AM for Cardiff South and Penarth. Objections were received from Ewenny and Vale Labour Party, which represents members in the three communities of Ewenny, St Bride's Major and Wick (Wick being in the electoral division of St Bride's Major); from Dr E A Bowers; and reservations were expressed by Jane Hutt AM for the Vale of Glamorgan. Mr John Smith sitting MP for the Vale of Glamorgan in a late representation wrote that he generally welcomed the proposals as they related to his constituency whilst at the same time expressing reservations about taking Sully out and bringing St Bride's Major in.
17. At the Inquiry those who had supported the proposals continued to do so. Mr Mansel Lalis of Ewenny and Vale Branch Labour Party gave evidence against them.
18. His evidence was that geographically St Bride's is no more than 4 miles from Bridgend town centre and Ewenny little more than a mile, while the distance to Barry is 20 miles, (Barry is the seat of the Vale of Glamorgan Council offices); that there were historical and cultural ties between the areas proposed to be transferred and the town of Bridgend; and that the county boundaries as now drawn were not traditional boundaries nor the best starting point.
19. It was argued on behalf of the Welsh Conservative Party that here I could take no account of any local ties which might be broken by alterations to constituency boundaries. The changes are made for the purposes of Rule 4 (constituencies not to cross county boundaries). Rule 7 requires that the Commission shall take account, so far as they reasonably can,
“(a) of the inconveniences attendant on alterations of constituencies *other than alterations made for the purposes of rule 4*, and

(b) of any local ties which would be broken by *such* alterations”.

20. I accept that the changes are made for the purposes of Rule 4. It is clear that Rule 7(a) expressly excludes account of inconveniences attendant on alterations for the purposes of rule 4. It is argued that Rule 7(b) likewise excludes account of alterations for the purposes of Rule 4 by reason that in 7(b) “*such*” alterations must refer to “alterations of constituencies other than alterations for the purposes of Rule 4 “ in Rule 7(a). If this result had been intended I would have expected a different – and much simpler – wording in Rule 7. Further there may be sensible reasons to distinguish between one policy to deal with inconveniences and another to deal with breaking of local ties: inherently; and given that inconveniences may inevitably result once it has been decided to adopt a change to county boundaries. I prefer the interpretation that Rule 7 (b) requires account to be taken, so far as it reasonably can, of local ties which would be broken, subject to placing importance upon the primary Rule 4.
21. However on the evidence I do not consider that any breaking of local ties would be substantial. There were no representations from local residents other than Dr Bowers; there was no reported poll of views formal or informal. The distances are greater to Barry than to Bridgend but there was little evidence that this would in itself break local ties. It is Ewenny which is a mile from Bridgend town centre but the proposals avoid splitting the electoral division of Llandow/Ewenny between constituencies and place the majority of its electors in the same constituency as they were before, namely the Vale of Glamorgan constituency. The areas in question are similar in character to the Vale of Glamorgan as a whole and appear to fit well enough with it on the ground. The Vale of Glamorgan Council resolved to support the inclusion of these areas.
22. I note that Rule 5 permits the Commission to depart from the strict application of Rule 4 if it appears to them that a departure is desirable to avoid an excessive disparity between the electorate of any constituency and the

electoral quota, but that is not the case here so far as concerns Bridgend : its constituency has a proposed electorate of 57,046.

23. I deal with the impact of retaining or excluding Sully from the Vale of Glamorgan constituency below. But on consideration of the Rules and on its own local merits I consider that the case for the Commission's provisional proposals for Llandow/Ewenny and St Bride's Major is in the end irresistible and I would recommend they be adopted.

24. Cardiff South and Penarth and Vale of Glamorgan constituencies – Sully.
The issue is whether the Vale of Glamorgan constituency should be reduced in size by transferring the electoral division of Sully from the Vale of Glamorgan constituency into the Cardiff South and Penarth constituency, as the Commission proposes. The Sully electorate at the enumeration date is 3,289. Such a transfer would produce an electorate of 67,855 in Cardiff South and Penarth and 68,229 in the Vale of Glamorgan, each less than 5% above the county average of 65,030. If such a transfer is not made then the enumeration date electorate will be 64,566 in Cardiff South and Penarth (0.71% below county average) and 71,518 in the Vale of Glamorgan (9.97% above county average). It is this issue which drew by far the most representations.

25. The proposals were supported in particular by the Wales Labour Party, the Welsh Liberal Democrats, and initially the Welsh Conservative Party; also by Cardiff South and Penarth Labour Party and Lorraine Barrett AM for Cardiff South and Penarth. Objections were received in particular from the Vale of Glamorgan Council, Penarth Town Council and Sully Community Council; also from County Councillor Anthony Ernest who represents Sully Ward on The Vale of Glamorgan Council, and Ewenny and Vale Labour Party. Reservations were expressed by Jane Hutt AM for the Vale of Glamorgan and in a late representation by John Smith sitting MP for the Vale of Glamorgan. At the Inquiry itself the Welsh Conservative Party opposed transfer of Sully. I also heard evidence at the Inquiry from Mr Meyer (Welsh Conservative Party) Councillor Ernest, Councillor Maureen Owen, Mr Daniel (clerk to Sully

Community Council) Mrs Stuart and Councillor Barlow (all opposing transfer) and Mr Costa (Wales Labour Party) in support.

26. The proposed transfer achieves much greater electoral equality. The two constituencies would have electorates of respectively 67,855 (2,825 above county average namely 4.34%) and 68,229 (3,199 above county average namely 4.92%). Without transfer of Sully the electorate of the Vale of Glamorgan constituency will be 71,518 which is 15,878 or 28.54% above the electoral quota for Wales as a whole; and even after transfer of Sully it would remain the largest constituency in Wales. The argument in favour of greater electoral equality is thus a powerful one.

27. It was argued that to extend the boundary of Cardiff South and Penarth 4 miles to the west would make the constituency too large geographically and/or that Sully would have nothing in common with the issues and concerns of such urban areas as Trowbridge and Llanrumney at the eastern end of that constituency. However the geographical reach would not be unusual; and Penarth itself which has 5 electoral divisions has a character and interests distinct from those areas. It seems to me from the evidence that objectors and Sully residents generally are not uncomfortable in their associations with Penarth itself. Sully is part of the local authority of the Vale of Glamorgan Council; but so is Penarth which is in and gives its name to the constituency of Cardiff South and Penarth.

28. I consider that the objection which was made on the basis that transfer would break long standing ties between Sully and both the Vale of Glamorgan and the town of Barry is stronger. The majority of the electors in Sully live in the village of Sully itself. It was properly described as a coastal, rural village. The village is distinct from Penarth by some 2 or 2½ miles of countryside. At its western end the village virtually runs into the built up area of Barry itself and the electoral division of Sully includes the Barry chemical complex and the Atlantic industrial estate which an outsider would unhesitatingly describe as part of Barry. I was told that Sully residents identified with the Vale of

Glamorgan and with Barry as the seat of the local authority and for local services such as shopping.

29. I was not given figures for employment of Sully residents in Cardiff or elsewhere; but I accept that this may not be of undue weight since in South Wales there is now widespread travel to different areas to work and Cardiff is the hub for many purposes of a huge area. In addition, Councillor Ernest gave evidence that there was a very high retired population in Sully.

30. It appears from the Report of the Assistant Commissioner in 1994 that in the last review there was evidence of community ties going either way, in favour of or against transfer. I received little evidence of community ties in favour of transfer. Whilst the proposal will not change the postal code of Sully or its local authority for the purposes of local elections and services and I am satisfied that some of the opposition to transfer arises from a mistaken understanding of this, and whilst there was no poll carried out in Sully, it is clear from the witness evidence that there is substantial opposition among Sully residents to inclusion in a parliamentary constituency of Cardiff South and Penarth as such. This is consistent with the results of an admittedly imperfect referendum in the course of the last general review which revealed 435 out of 453 respondents to be in favour of the status quo. It is also clear that the authorities which oppose transfer have done so on non-party political lines.

31. There is in addition a significant body of evidence about the pattern of growth in the respective electorates. The constituency of Cardiff South and Penarth includes the Cardiff Bay development, in the electoral divisions of Butetown and Grangetown. That area continues to be the subject of considerable residential development. Such is evident from walking the area. It would be unwise to rely on impression only, but between 1999 and 2003 the electorate of the existing constituency of Cardiff South and Penarth increased from 61,397 to 64,566 an increase of 3,169; and growth has continued, with a further net increase of 1,082 from 2003 to 2004, an increase of 6.9% in 5

years. Evidence was given of substantial continuing residential development in Cardiff Bay, and at Anchor Way in Penarth.

32. I was not given precise figures for the large numbers of units yet to be built and occupied, and I guard against proceeding on mere impression. There was evidence of substantial residential development in yet other areas of Cardiff South but it was comparatively vague. It is conceivable that efforts to secure better electoral registration have played some part in the increase in electorate, as suggested by Mr Costa. However I am satisfied that there is clear and reliable evidence of substantial residential development which continues apace in Cardiff Bay and to a lesser extent in Penarth and that such will continue at least for the next few years.
33. In contrast the electorate of the existing constituency of the Vale of Glamorgan has been relatively static. Between 1999 and 2003 it grew from 68,447 to 68,698, an increase of just 251.
34. The question remains whether the Vale of Glamorgan constituency will be simply too large if Sully is not transferred. It would then number 71,518 assuming that on the local merits Llandow/Ewenny and St Bride's Major are brought in. A number of representations considered 71,518 either 'at the limit' or excessive. This figure is 15,878 above the electoral quota for Wales as a whole. Account must be taken of this, since Rule 5 provides that the electorate of any constituency shall be as near the electoral quota as is practicable having regard to Rules 1 to 4. However Rule 4 takes precedence over Rule 5 (*R. v. Boundary Commission ex p. Foot* CA 1983 1QB 600). Rule 7 provides that it shall not be the duty of the Commission to aim at giving full effect in all circumstances to the preceding rules but it shall take account of the inconveniences attendant on alterations of constituencies and of any local ties which would be broken. I consider that the Commission is right in its proposals to retain 5 constituencies not 6 and in accordance with Rule 4 not to have constituencies cross the preserved county boundary. Once the decision has been taken to allocate 5 constituencies not 6 to the county, it is 65,030

which is the county average electorate and it is on that figure that in my view attention should centre when considering respective proposals for constituencies.

35. A figure of 71,518 for the Vale of Glamorgan is 9.97% above the county average. In my view this is indeed at or near the limit. The disparity between largest and smallest constituencies in South Glamorgan would be 10,654. It may be observed that elsewhere in the present review the Commission provisionally proposes an electorate greater than the county average by more than this (10.61% in Gwent/Mid Glamorgan and 15.5% in Clwyd) but in my view this is of peripheral importance only, since there the county average is lower than in South Glamorgan and local circumstances may differ. Of slightly more interest, the disparity between largest and smallest constituencies proposed in those counties is respectively 14,151 and 16,355.

36. Without transfer of Sully the electorates of the 5 seats would be (at 2003 figures):

Cardiff Central BC	60,864
Cardiff North BC	63,615
Cardiff South and Penarth BC	64,566
Cardiff West BC	64,587
Vale of Glamorgan CC	71,518

37. I find the respective arguments finely balanced. There is good reason for concern about the absolute and relative size of the Vale of Glamorgan constituency if Sully is retained. I am not persuaded that a transfer would do great violence to the local ties of Sully. But it would break local ties and these are of long standing. Where (i) there are long standing local ties which would be broken by transfer, (ii) the size of the Vale of Glamorgan electorate appears static, and (iii) there is continuing vigorous growth in the electorate of the Cardiff South and Penarth constituency into which the 3,289 electors of Sully would pass, I consider that an electorate of 71,518 for the Vale of Glamorgan

constituency electorate is not so excessive as to require transfer. Therefore I do not recommend transfer of Sully and I would not alter my conclusions above in respect of Llandow/Ewenny and St Bride's Major.

38. I have paid regard to all the representations received by the Commission and evidence heard at the Inquiry whether individually referred to above or not, and I have inspected relevant parts of South Glamorgan and in particular Sully.
39. I have reached my views independently. But I derive some comfort from the fact that in the last review transfer of Sully was in issue and the Vale of Glamorgan constituency electorate, if it was to retain Sully, was then 10.2% above county average; yet the Assistant Commissioner considered that this was not such as to require transfer of Sully, and the Commission adopted the same view.
40. Accordingly I recommend that the provisional recommendations of the Commission be accepted save that the electoral division of Sully should be retained in the Vale of Glamorgan constituency. For clarity and ease of reference I attach material extracts from the Rules as Schedule 1 and the recommendations in full by constituency and constituent electoral divisions as Schedule 2.

6th August 2004

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ANTHONY SEYS LLEWELLYN, QC.

SCHEDULE 1

The Rules for Redistribution of Seats under the Parliamentary Constituency Act 1986 provide:

- “4. (1) So far as is practicable ...
- (a) (i) no county or any part of a county shall be included in a constituency which includes the whole or part of any other county ...
5. The electorate of any constituency shall be as near the electoral quota as is practicable ... and [the Commission] may depart from the strict application of rule 4 if it appears to them that a departure is desirable to avoid an excessive disparity between the electorate of any constituency and the electoral quota ...
6. [The Commission] may depart from the strict application of rules 4 and 5 if special geographical considerations, including in particular the size, shape and accessibility of a constituency, appear to them to render a departure desirable.

General and supplementary

7. It shall not be the duty of [the Commission] to aim at giving full effect in all circumstances to the above rules ... but they shall take account, so far as they reasonably can -
- (a) of the inconveniences attendant on alterations of constituencies other than alterations made for the purposes of rule 4, and
- (b) of any local ties which would be broken by such alterations.”

SCHEDULE 2

Constituencies recommended in this Report:

CARDIFF CENTRAL BC (60,864) Cardiff County electoral divisions: Adamsdown, Cathays, Cyncoed, Pentwyn, Penylan, and Plasnewydd.

CARDIFF NORTH BC (63,615) Cardiff County electoral divisions: Gabalfa, Heath, Lisvane, Llandaff North, Llanishen, Pontprennau/Old St Mellons, Rhiwbina, Whitchurch and Tongwynlais.

CARDIFF SOUTH AND PENARTH BC (64,566) Cardiff County electoral divisions: Butetown, Grangetown, Llanrumney, Rumney, Splott, and Trowbridge. **The Vale of Glamorgan County** electoral divisions : Cornerswell, Llandough, Plymouth, St Augustine's, and Stanwell.

CARDIFF WEST BC (64,587) Cardiff County electoral divisions: Caerau, Canton, Creigiau/St Fagan's, Ely, Fairwater, Llandaff, Pentyrch, Radyr, and Riverside.

VALE OF GLAMORGAN CC (71,518) The Vale of Glamorgan County electoral divisions: Baruc, Buttrills, Cadoc, Castleland, Court, Cowbridge, Dinas Powys, Dyfan, Gibbonsdown, Illtyd, Llandow/Ewenny, Llantwit Major, Peterston-super-Ely, Rhoose, St Athan, St Bride's Major, Sully, and Wenvoe.