

## Localism Bill

House of Commons Second Reading  
Monday 17 January 2011

This briefing sets out the Commission's view on key issues arising from the Localism Bill ahead of its second reading in the House of Commons.

The Bill includes measures for local referendums to be held on a range of issues, including directly elected mayors, council tax increases, certain planning decisions and, following either a local petition or a resolution by the council, any 'local government matter'. Local authorities may also opt to replace their executive arrangements with the Committee System. This would require a further referendum only if the existing arrangements were implemented following an initial referendum.

### GENERAL COMMENTS ON THE BILL

#### **Consistency in the delivery of local referendums**

Existing electoral legislation already provides a framework within which certain categories of local referendums or local polls may take place. The legislation includes provision for local referendums on changes to executive arrangements (the rules can be found in the Local Authorities (Conduct of Referendums) (England) Regulations 2007) and local polls (held under section 116 of the Local Government Act 2000).

The Localism Bill provides for various new categories of local referendum to be held, and gives powers to the Secretary of State to make regulations on the conduct of these new referendums. The Commission is keen to ensure that these events are delivered professionally and consistently across all local areas and in a way that meets the needs of voters. This means that, as far as is possible, there needs to be consistency across the various local referendum rules. In this respect, it may be appropriate to develop a generic conduct order for all local referendums, with specific clauses to cover the issues relating to a certain type of local referendum, e.g. how they are triggered, rather than bringing repeated, similar Orders before Parliament.

In particular, we note that while the Bill provides for the Secretary of State to make regulations about the limitation of expenditure in connection with referendums on executive arrangements, council tax increases and planning decisions, it specifically prohibits the Secretary of State from making regulations on this matter in relation to local referendums following a petition or resolution by the Council. We would welcome clarification on the Government's approach in this area, and in

particular how it intends to ensure appropriate regulation of expenditure in relation to these local referendums.

We note that the referendums proposed in the Bill follow the approach for local government referendums, which are not regulated by the Commission. Parliament may wish to consider whether the proposed referendums, for example on planning matters, are likely to attract significant levels of donations and expenditure. If so, regulation such as expenditure limits and donation controls, found in the Political Parties, Elections and Referendums Act may be considered appropriate.

We would also welcome further information about how the Government intends to ensure that the questions for any local referendums are intelligible and neutral. The Commission is currently required to comment on the intelligibility of the question included in a Bill or draft Statutory Instrument for any referendum under the Political Parties, Elections and Referendums Act 2000. The Commission is also currently required to be consulted on the intelligibility of a question for any referendum on local authority executive arrangements, before regulations are laid before Parliament. We have published question assessment guidelines to help people draft intelligible, unbiased referendum questions, which is available on our website.<sup>1</sup>

### **Coordination**

Effective coordination of any additional local referendums with existing scheduled elections will also be important, particularly given the increasing frequency and range of elections, including the proposed elections for Police and Crime Commissioners in England and Wales in May 2012. We would support the development of a framework which can support planning for the new local referendums to provide overall coordination, consistency of practice and monitoring of any difficult issues.

### **Resources**

The potentially significant increase in the frequency of local referendums could risk increasing pressure on Returning Officers and electoral services teams in local authorities. We would welcome assurances from the Government that appropriate funding and resources will be made available to meet these additional responsibilities.

### **Consultation**

The Bill provides that the Electoral Commission must be consulted before any conduct rules for all of these new types of local referendums are laid before Parliament for approval. We welcome this approach, which is consistent with our current role in relation to local government election rules.

## **FURTHER INFORMATION**

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For further information, please contact Caroline Bolshaw, Public Affairs Manager on 020 7271 0632 or [cbolshaw@electoralcommission.org.uk](mailto:cbolshaw@electoralcommission.org.uk)

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<sup>1</sup> See <http://www.electoralcommission.org.uk/elections/upcoming-elections-and-referendums/uk/referendum/>