

Cities and Local Government Devolution Bill 2015

House of Lords Committee Stage Day 1 briefing

22 June 2015

Introduction

This briefing sets out the Electoral Commission's view on key amendments tabled to the Cities and Local Government Devolution Bill, ahead of the first day of Committee Stage on Monday 22 June.

We have not commented on all amendments tabled in relation to this Bill, and the absence of comment does not imply that we support them. In particular, decisions on the franchise for the elections are important issues for Parliament to decide on, and the Commission will comment on the practical implications and workability of any amendments to the Bill in these areas.

This briefing covers:

- General comments on Mayors as Police and Crime Commissioners
- Amendments relating to
 - Voting at elections of mayors (the franchise)
 - Power to make further provision (the timing of regulations)

Mayors as Police and Crime Commissioners

The Bill provides that an elected mayor for a combined authority area may be given authority to undertake the functions of the Police and Crime Commissioner (PCC) for the area, in place of the previously elected PCC. Where a mayor is to be given those functions, the Bill provides powers for the Government to cancel any scheduled PCC elections in that area, and to extend the existing PCC's term of office until the mayor is in place.

The next scheduled elections for PCCs are due to take place on 5 May 2016 for police areas across England (except London) and Wales. The elections will be held on the same day as the National Assembly for Wales general election and scheduled

local government elections in many areas of England. Returning Officers and their staff will already be developing plans for the administration of these scheduled elections, and candidates and campaigners will also be considering their own plans. This will include activity aimed at communicating to voters what elections are taking place in their area and it will be very important that any changes are clarified as early as possible to ensure these plans can be adjusted, and the potential for any voter confusion is minimised.

We would welcome early confirmation from the Government about whether they anticipate any impact from the provisions of this Bill on the elections already scheduled for May 2016, including the potential impact on any currently elected PCCs or those who may be elected following elections in 2016.

Schedule 1: Mayors for combined authority areas: further provision about elections

Voting at elections of mayors

Amendment 15, tabled in the name of Lords McKenzie and Beecham, would extend the franchise for elections for mayors for specified combined authority areas to include 16 and 17 year olds.

Proposals for changes to the franchise for the elections of mayors are important issues for Parliament to decide on, although we will comment on the practical implications and workability of any amendments to the franchise.

The Commission's view is that any changes to the franchise should be clear in sufficient time to enable all those who are eligible to register and participate in the elections.

It is important that Electoral Registration Officers have sufficient time to plan to include all those entitled to register to vote through the annual household canvass (which normally takes place between September and December each year), and also to plan and deliver public awareness activities including political literacy initiatives.

We therefore reiterate our previous recommendations that legislation from governments or legislatures extending the franchise is clear (whether by Royal Assent to a Bill or the introduction of regulations to Parliament for approval) at least six months before the beginning of the annual household canvass. Should any amendments be made to the legislation that amend the franchise, for instance to

enable 16 and 17 year olds to participate, further provisions may also be needed, such as to enable additional canvass activity to take place depending on the timing of the poll.

Power to make further provision

Amendment 16, tabled in the name of Lords McKenzie and Beecham, would require that the detailed regulations required to administer and regulate elections for mayors for combined authority areas would only apply to elections which take place six months after the regulations come into force.

The Electoral Commission supports this amendment. Our experience has shown that candidates and electoral administrators need time to prepare themselves properly to follow the detailed rules which Parliament has specified.

We continue to recommend that best practice for future elections is that all legislation should be clear (whether by Royal Assent to a Bill or the introduction of regulations to Parliament for approval) at least six months before it is required to be implemented or complied with by campaigners, the Returning Officers or Electoral Registration Officers.

For further information, please contact **Lisa Camps**, Public Affairs Officer on 020 7271 0619 or lcamps@electoralcommission.org.uk.