

Localism Bill

House of Commons Remaining Stages

Tuesday 17 May 2011

This briefing sets out the Commission's view on key amendments to the Localism Bill ahead of the remaining stages 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.

Please note that this briefing paper comments only on certain amendments which the Commission believes raise significant issues of workability or policy. We also welcome amendments that give effect to recommendations we have previously made. The note does not comment on every amendment tabled, and the absence of comment on an amendment does not imply that we support it.

Clause 48 – Question to be asked in local referendum

Amendment 19 would give the Electoral Commission a role in deciding the question to be asked in a local referendum where consultation between the Electoral Registration Officer and the petition organiser or the member or members of the local authority who made the request fails to result in agreement.

It is clearly important that any referendum question should present the options to voters clearly, simply and neutrally, to ensure that voters and campaigners can have confidence that the result of the referendum reflects the informed will of the electorate. The Commission already has a statutory role in commenting on the intelligibility of questions for referendums held under the Political Parties, Elections and Referendums Act 2000, and has also commented on the questions specified in the rules for referendums on local authority executive governance arrangements in England and Wales.

The Commission has published a set of guidelines to help explain how we assess how intelligible a proposed question is, and also to help others draft intelligible referendum questions. This is available on our website at:

http://www.electoralcommission.org.uk/_data/assets/pdf_file/0006/82626/Referendum-Question-guidelines-final.pdf

To test the question properly for the recent referendums on the voting system for UK Parliamentary elections and on the powers of the National Assembly for Wales, we undertook detailed research with voters and other interested parties, and gathered input from experts on plain language and accessibility. For this process to be completed properly, it took approximately 10 weeks in each case, and required the commitment of significant Commission resources. More information about the question assessment process and our reports on the intelligibility of referendum questions is available on our website at: <http://www.electoralcommission.org.uk/elections/referendums/our-role-and-responsibilities>

We have some concerns, however, about the workability of this amendment, given that it is difficult to know how frequently new local referendums provided for in the Localism Bill would occur and consequently how frequently the Commission might be called upon to determine a referendum question. An alternative that avoids this problem would be for the Commission to develop its referendum question guidelines to take account of these new referendums. Parliament could then make it a requirement that Electoral Registration Officers follow them with the Commission monitoring the effectiveness of this process.

However, this would not provide the level of independent scrutiny of questions that an assessment by the Commission would provide and if Parliament wishes to give this role to us we would need consider how best we could do this and agree any changes to our priorities and resources with the Speakers Committee.

FURTHER INFORMATION

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