

Police Reform and Social Responsibility Bill

House of Commons Second Reading

Monday 13 December 2010

This briefing sets out the Commission's view on key issues arising from the Police Reform and Social Responsibility Bill, which provides for the elections of Police and Crime Commissioners, ahead of the Bill's second reading.

PART 1 – POLICE REFORM

Effective coordination of new elections

An important factor in the delivery of well-coordinated and well-run polls will be clear legislation. We continue to highlight our firm recommendation following problems with the Scottish Parliament elections in 2007 that the rules relating to any elections must be clear from at least six months in advance. This is so that campaigners, Returning Officers and the Commission are not left with uncertainty about their respective roles and responsibilities and can undertake the necessary planning and preparation.

The proposed 3 May 2012 elections will see an entirely new legal framework being implemented to support the election of Police and Crime Commissioners, so it is particularly important to us that this principle should be observed.

This relates to the urgent need for a framework which can support planning for the new elections and which will provide overall coordination, consistency of practice and monitoring of any difficult issues. There are several examples of problems with elections in recent years caused by poor planning and coordination. To avoid this happening with these elections we have previously recommended that the Home Office should establish a cross-department steering group (which would include representatives from the Cabinet Office, the UK Government department with lead responsibility for elections policy) to coordinate the delivery of Police and Crime Commissioner elections.

This group could also consider other election-related issues, including the interaction with elections already scheduled for 3 May 2012, and consider their impact on voters, the electoral system and those who administer elections. We would be happy to join such a group, and advise as necessary.

Given the time needed for Parliament to consider and approve the Bill and subsequent secondary legislation, establishing this type of co-ordination

mechanism needs to happen swiftly. Currently, referendums are the only polls where legislation provides for co-ordination and delivery at a national level. The Commission cannot emphasise too strongly that coordination of all of those involved in running these new elections on police authority boundaries, which is itself an innovation, will be essential in ensuring that they are delivered professionally and consistently across England and Wales and in a way that meets the needs of voters. Without this level of coordination, there is a risk that elections for Police and Crime Commissioners will be delivered in a fragmented and inconsistent way.

The Commission's functions

Turning specifically to the Commission's functions, we note that while there are provisions in **Schedule 10** of the Bill which allow the Commission to report on the administration of Police and Crime Commissioner elections, to observe these elections and to be consulted on changes to electoral law and set performance standards, there do not appear to be provisions enabling the Commission to provide advice and assistance (including guidance) to Returning Officers, political parties, candidates and agents. This is a function that the Commission carries out at other elections under the Political Parties Elections and Referendums Act (PPERA) 2000 and will help ensure the election of Police and Crime Commissioners is run to a high standard. If such provisions are not currently included in the Bill, we would recommend that section 10 of PERPA is amended accordingly to allow for this.

Public awareness

We note that **Clause 53** of the Bill provides that the Commission must take such steps as it considers appropriate to raise public awareness about each election of a Police and Crime Commissioner. We are pleased that this provision, which is consistent with our public awareness role for other elections, has been included in the Bill.

Campaign finance

We understand that the Government intends campaigning at the new elections for police commissioners to be regulated by the Commission, in the same way that we regulate party and election finance at other elections under the Political Parties, Elections and Referendums Act 2000 and the Representation of the People Act 1983. **Clause 58** of the Bill contains powers to make provision by order about party registration and the funding and spending of candidates and political parties at the new elections. It does not appear to allow for the regulation of spending by campaigners who are not standing for an election but wish to influence its outcome (non-party campaigners or 'third parties'), and it may be appropriate to amend the Bill in due course to provide for this.

As with the electoral administration provisions of the Bill, it is important that the Government's detailed plans for the regulation of election finance are finalised in good time to allow well-run elections to take place. For regulatory purposes, we will need clarity on the rules well before the start of the regulated period(s) for campaign spending at the elections, so that we can

produce full and accurate guidance for campaigners and help them to comply with the rules. The Bill requires consultation with the Electoral Commission before the necessary orders can be made. It will be important for the Government to develop full policy proposals for the regulation of the elections as soon as possible, so that the secondary legislation can be finalised quickly enough to meet the needs of campaigners and voters.

FURTHER INFORMATION

For further information, please contact Kate Brightwell, Senior Public Affairs Officer on 020 7271 0671 or kbrightwell@electoralcommission.org.uk