

Police Reform and Social Responsibility Bill Lords Consideration of Commons Amendments

Wednesday 14 September 2011

This briefing sets out the Commission's views only on amendments returned to the House of Lords which the Commission believes raise significant issues of workability or policy. The note does not comment on every amendment tabled and the absence of comment on an amendment should not imply that we support it.

GENERAL COMMENTS ON THE BILL

In our briefing for the Lords Third Reading of the Bill on 20 July, we set out what we saw as key milestones to be met in order to meet the same standards of good regulation and administration that would be expected at other elections. We recognise that some positive progress has been made towards clarifying the detailed conduct rules, but remain concerned that there are still important policy decisions to be made by the Government concerning the regulation of party and election finance for the proposed polls, particularly in relation to candidates contesting the elections.

We have also highlighted to Government our concern that they have not properly identified the mechanisms through which they would expect all eligible voters to be given enough information about candidates standing in the election to make an informed choice through, for example, the provision of a freepost mailing to candidates. This may be of particular importance in ensuring independent candidates, who do not have the support of a party behind them, can participate fully.

We believe these issues will need to be addressed well in advance of the polls, whatever date they are held on.

PART 1 - POLICE REFORM

At the Commons Consideration stage the Government disagreed to **Lords Amendments 1-4 and 6, but proposed amendments 6A – D in lieu.**

The date of the election

As we have made clear in our previous briefings the question of whether or not there are elections for Police and Crime Commissioners, and on what date they might take place, are matters for Parliament. Our aim in commenting on this amendment is to ensure Parliament is aware of any issues or risk associated with the holding the elections on the proposed date.

The Government has tabled new amendments with the effect that the Police and Crime Commissioner (PCC) elections will be held on 15 November 2012. While the limited time we have had to consider the change in date means our assessment has inevitably been more compressed than we would have liked, we believe that the elections could be held on this date providing the outstanding issues we have identified (see above) are addressed sufficiently far in advance of the polls.

We believe Parliament should be aware of the following additional risks and issues arising from a 15 November election before deciding on the date:

- A November election will coincide with the annual canvass of electors. While there will be a number of options available to each Electoral Registration Officer (ERO) in updating their registers during this period, it is possible that different approaches may be adopted across different areas of the country, possibly resulting in inconsistent practice within a single force area. This could present risks to the accuracy and integrity of registers used for the PCC elections and for the elections in May 2013. The Government should therefore make clear how it intends to ensure consistency of approach in managing this process.
- There are almost half as many daylight hours on 15 November compared with early May and there is also the increased likelihood of inclement weather. It is possible (though not proven) that such conditions could discourage some electors from participating in the election and limit campaign activities by candidates. We would therefore be interested to know what the Government's assessment of this issue has been in selecting this date.
- Standalone elections will incur greater costs than elections combined with other elections. The Government should quantify the additional expense and ensure that Returning Officers are adequately resourced to ensure that the elections are well-run.

Altering the ordinary day of election

We note that the Government's new amendments give the Secretary of State the power to lay an order to alter the ordinary day of election for PCC elections scheduled to take place after 2012. The amended date may not be earlier than the ordinary day of elections and must be within the same calendar year. We are pleased that such an order may not be made later than six months prior to the ordinary day of elections.

While we acknowledge that equivalent powers exist to alter the date of other scheduled elections, we would be interested to hear the Government's views on the circumstances under which the power would be used and the factors that would need to be taken into account in taking a decision to move the date of scheduled PPC elections.

FURTHER INFORMATION

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