

Police Reform and Social Responsibility Bill

House of Lords Second Reading

Wednesday 27 April 2011

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 in the Lords.

PART 1 – POLICE REFORM

Effective coordination of new elections

The Electoral Commission believes that effective, strategic coordination will be essential in ensuring that the elections for Police and Crime Commissioners (PCC) are delivered to a consistently high standard across England and Wales in a way that meets the needs of voters and others participating in these elections for the first time. Careful consideration is needed on how the new elections will interact with other events taking place and how they will impact on local authority planning and resources.

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 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 PCC elections on 3 May 2012 will be conducted under an entirely new electoral system and on untested boundaries, so adherence to this principle is more important than ever.

There is also an 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. Currently, referendums are the only polls where legislation provides for co-ordination and delivery at a national level. 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 welcomes the Government's recognition of the need for cross-department co-ordination between the Home Office and the Cabinet Office (the department with lead responsibility for elections policy) and the establishment of the PCC Elections Panel. The Commission is pleased to be represented on this panel.

However, given the time needed for Parliament to consider and approve the Bill and subsequent secondary legislation, it is vital that momentum is maintained, and the Commission will be following the Panel's progress closely.

Regulation of campaign spending

We understand that the Government intends that campaigning at the new elections for police commissioners will 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 if Parliament wishes such spending to be regulated it may be necessary to amend the Bill 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 before the elections. 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.

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.

However, our existing plans for a public awareness campaign ahead of the scheduled elections in various parts of the UK in 2012 were drawn up on the basis of a campaign focused on encouraging voter registration. They will need to be expanded to include adequate public awareness for the voters of England and Wales about these new elections, and the new voting system

that will be used; the elections would be run under the Supplementary Vote system (the same as for the London Mayor and other directly elected Mayors) which many voters have not used before.

The Commission will present its proposals for public awareness work in the run-up to the 2012 elections to the Speaker's Committee in the usual way, and will revise its plans to include work covering the proposed PCC elections.

FURTHER INFORMATION

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