

Police Reform and Social Responsibility Bill

House of Lords Third Reading

Wednesday 20 July 2011

This briefing sets out the Commission's view on key issues arising from the Police Reform and Social Responsibility Bill ahead of Third Reading in the Lords.

GENERAL COMMENTS ON THE BILL

The Electoral Commission is clear that 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 providing this briefing is to advise Parliament of any issues or risks we believe are relevant to the delivery of the polls so they can be part of Parliament's consideration of the Bill. For the avoidance of doubt we have no wish to suggest that further Parliamentary scrutiny of this Bill should be constrained.

We have noted the Government's stated intention that provisions for the first elections of Police and Crime Commissioners in May 2012 will be reintroduced when the House of Commons considers any Lords' amendments to the Bill.

We have previously set out the key milestones which we believe would need to be met in order for us to be able to provide assurance that elections could be held in May 2012 to the same standards of good regulation and administration that would be expected of other elections. These are:

- **By the time Parliament rises for summer recess in mid-July:** the high-level regulatory and administrative principles for the elections should be clearly set out and agreed by Parliament. This would allow potential candidates, campaigners and Returning Officers to begin establishing their planning and budgeting assumptions for their roles in contesting and delivering the elections next May.
- **By the September session of Parliament, before Conference recess:** the detailed rules for the conduct of the polls and the regulation of campaign activity – including firm drafts of all relevant secondary legislation – should be publicly available and ideally should have begun the process of Parliamentary approval, so that the Commission can begin developing guidance to support candidates, campaigners and Returning

Officers in delivering and complying with the framework. For instance, political parties have indicated that they would expect to be able to use their autumn conferences to explain the rules on campaigning to their members and prospective candidates. If the Parliamentary timetable means that there is still uncertainty over the rules at this stage, we would need to qualify our guidance accordingly, and if necessary to draw attention to the implications for the proper running of elections in May 2012.

- **By early November:** the Government should aim to ensure that the final detailed rules for the conduct of the polls are in force, in order for the Commission to be able to then finalise our detailed guidance for Returning Officers. The headline amounts and assumptions underpinning funding for the administration of the elections must also be agreed and publicly available by early November to allow Returning Officers to begin putting in place their plans and agreeing contracts with suppliers.

We note that the **Government amendments to clause 59 and Schedule 10** restate and widen the Bill's existing power to make rules on all aspects of the regulation of campaigning – including national campaigning by political parties and non-party campaigners, as well as candidates – by secondary legislation.

We are increasingly concerned that much of the policy framework required to enable political parties, potential candidates and Returning Officers to begin planning for elections is still unclear, including the campaigning rules, the funding approach for the delivery of the elections and the combination of polls with other elections. This means that we are unable to begin developing guidance for campaigners or Returning Officers as we had planned to do.

To enable the Commission to support campaigners and Returning Officers in planning to participate in and deliver police commissioner elections in May 2012 (if that is when Parliament decides they should be held), the Government must now:

- Set out clearly and definitively at Third Reading how it plans to use the power in clause 59 in respect of these elections; how it will ensure proper funding for the delivery of the elections; and how the polls will be combined with scheduled elections in May 2012.
- Commit to developing and publishing firm drafts of the proposed rules for the conduct and regulation of the elections by September 2011.

The Commission is ready to work with the Government over the summer on the development of the detailed rules, and we will continue to brief Parliament on progress towards these milestones and on the implications for the successful delivery of elections if they are to take place in May 2012.

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