



Home Office

Government response to the Electoral Commission's reports:

Police and Crime Commissioner elections in England and Wales: report on the administration of the elections held on 15 November 2012

and

2012 Police and Crime Commissioner elections spending report November 2013

Introduction

1. On November 15th 2012 the first elections for the role of Police and Crime Commissioner (PCC) were held in 41 police force areas in England and Wales. The elections were a significant landmark for the Government's reforms to policing and the devolution of power away from Whitehall. PCCs were introduced to replace invisible and unaccountable Police Authorities and give the public an increased voice in policing priorities and a greater ability to hold forces to account.
2. This was the first time that elections of this nature were held. Not only was a significant amount of legislation enactedⁱ, but the elections required new processes and procedures to be put in place across England and Wales. Police Area Returning Officers, Local Returning Officers and electoral administrators did a significant amount of work to prepare for the elections and were instrumental in ensuring the elections were well run. The Government is grateful to all those that played a role.
3. On polling day, more than five million people turned out to vote, giving PCCs a substantially bigger mandate than the invisible police authorities they replaced. The Police and Crime Commissioner elections attracted a wide diversity of candidates, many of whom were not affiliated to political parties.
4. Since the elections, PCCs across England and Wales have been making a significant difference to policing, driving up standards and maintaining a fall in crime. New PCC led initiatives are being pursued that reflect the priorities of local people, rather than diktats from central government. And, for the first time, policing in England and Wales is being scrutinised in an open and transparent way.
5. The Government welcomes the Electoral Commission's Reports on the 2012 Police and Crime Commissioner elections: 'Report on the administration of the elections held on 15 November 2012' and '2012 Police and Crime Commissioner elections spending report'. We are pleased to offer our response to both reports and their recommendations to Government. Our response also takes the opportunity to respond to the other reports

published in this area, including that published by the Association of Electoral Administrators (AEA).

6. It is important that lessons are learnt by all concerned and the Government is grateful for the opportunity to consider the analysis and recommendations within the reports. The Electoral Commission was a key partner of the Government in the planning and management of the first PCC elections and we value the Electoral Commission's ongoing engagement on future elections.

Recommendations

Election Administration

Legislation

Electoral Commission's recommendation: For future elections where new or amended legislation is required, the relevant Government department responsible for those polls must learn from the experience of the 2012 PCC elections to put in place better medium-term planning for the delivery of all necessary legislation¹.

7. The Government recognises the need to ensure the proper and timely management of legislation and supplementary guidance for all elections and to ensure that the practicalities for the 2016 elections in Wales are considered in good time. The main elections Order that set out the rules and timings for the Police and Crime Commissioner elections was laid six months ahead of the election and the Home Office worked closely on developing this Order with the Electoral Commission.
8. However, lessons can be learnt from the PCC elections and the Government will continue to review, especially where elections are held for the first time, what further support may be of benefit to local areas. The Government is already taking forward a range of activity on legislation, including preparations for the European Parliamentary elections in May 2014, for which the main order has recently been made, and is looking to have other necessary

¹ Summary: for full text see Electoral Commission report on the administration of the elections – March 2013

legislation and Fees and Charges Order and accompanying Returning Officer expenses guidance in place in good time and, where possible, to meet the aspiration of delivering legislation for scheduled polls six months in advance of polling day.

Voter participation

Electoral Commission Recommendation: The UK Government should amend [the legislation] to ensure that electors are sent printed information about candidates standing for election as PCC in their force area. This should take the form of a booklet with addresses from each candidate sent by the relevant Police Authority Returning Officer to every household in the police authority area.

Electoral Commission Recommendation: No Government should commission public awareness activity for future elections or referendums, including the May 2016 PCC elections.

The AEA made similar recommendations.

9. The Government is clear that it is the Electoral Commission's statutory duty to make the public aware of elections, but given that the PCC elections were the first of their kind, the Government considered it necessary and appropriate to undertake a communications campaign so the public were aware of what a PCC was and what they would do. The approach adopted for the PCC elections was informed by the Government's 'digital by default' strategy for delivery of public services which seeks to modernise and make use of the advances and flexibility that IT provides.
10. In deciding its strategy, the Government reflected on balancing the cost to the taxpayer with the benefit to the public. A digital by default approach gave the public the option of accessing information online via www.choosemypcc.org.uk and those who could not were able to order a free booklet via a freephone orderline. Both the web address and the freephone orderline number were widely advertised and appeared on all Home Office and Electoral Commission literature about the elections, and were on the poll cards delivered to every elector.
11. In addition, the Home Office ran an advertising campaign to inform people of the purpose of PCCs and informed the public of the web address and phone number. This reached 84% of the adult population in England and Wales through TV advertising alone.

12. Results from the post campaign evaluation² show that this approach worked. The campaign itself increased public awareness of the elections by 49% (from 34% to 83%).

- 45% of people stated that the adverts made them want to find out more about their local candidates
- 30% of people said they would look online - with just 3% saying they would request a candidate leaflet

13. The Government will keep under review the sending of printed information to all electors at future PCC elections, whilst acknowledging that a 'digital by default' approach has advantages to some electors compared with printed mailings. Any change to the existing legislative requirements would need careful consideration in the context of wider legislation on the provision of information to electors at statutory elections.

Electoral Commission Recommendation: The UK Government should review options for the design and wording of ballot papers for future elections using the supplementary vote electoral system, in order to reduce the risk of ballot papers not being counted because they have been incorrectly completed.

The AEA made a similar recommendation.

14. The Government keeps electoral conduct legislation under review and will consider these recommendations carefully in advance of the next scheduled PCC elections in 2016.

Rules and guidance on standing for election as a PCC

Electoral Commission Recommendation: The UK Government should consider whether further clarification of provisions for filling a vacancy in the office of Police and Crime Commissioner are required to cover circumstances where a candidate is discovered to be disqualified after the deadline for withdrawal of nominations but before the poll. The Government should ensure that any changes to the law are made so that the rules are clear by November 2015, six months before the next PCC elections.

² Ipsos MORI polling, 2012

15. The Government is clear that PCCs must be held to a high standard because they are responsible for holding police forces, whose duty is to uphold the law, to account. The rules for disqualification were set out in Electoral Commission guidance for candidates and in a Home Office leaflet 'have you got what it takes'ⁱⁱⁱ and the Government is content that the rules regarding the withdrawal of a candidate after the nominations deadline and prior to an elections are clear.

Future PCC elections

Electoral Commission Recommendation: The UK Government should review its approach to supporting the management and coordination for future PCC elections, drawing on lessons identified in this report and any other feedback from local returning officers and PAROs.

The AEA made a similar recommendation.

16. The Government consults widely on elections on an ongoing basis to ensure that the right level of support is available in good time. We will reflect on the lessons learnt from the 2012 elections in preparing for the 2016 elections.

Election Spending

Electoral Commission Recommendation: We recommend that the UK Government clearly sets out the assumptions and policy intentions that underpin the spending limits for the next PCC elections by November 2014. This will help us assess whether there needs to be a review of the current spending limits, and allow for any recommended changes to be brought into effect for the 2016 polls.

17. When the Government set the amounts available³ to candidates to spend on their campaigns, it was reflective of both the cost to candidates, particularly candidates that were not affiliated to a political party and the need to give enough money to allow candidates the ability to promote their campaigns effectively. No candidates spent over 50% of the amount allowable and the large majority spent less than 10% of the maximum allowable. We agree

³ Police and Crime Commissioner (Elections) Order 2012

with the Electoral Commission that it is “too soon to recommend a change to the spending limits for the PCC elections in 2016”. For the 2016 elections the Government would like to see candidates use the funds that Parliament has allocated to promote their campaigns and encourage greater voter participation.

Electoral Commission Recommendation: The rules for the next PCC election should be changed to make it clear that PAROs are able to publish candidate spending returns online.

18. The Government strategy of ‘digital by default’ which to modernise and make use of the advances and flexibility that IT provides and we will therefore consider the rules in advance of the 2016 PCC elections in that light.

Conclusion

19. The Government is grateful for the reports from the Commission, and others, on the Police and Crime Commissioner elections. The time taken for analysis and to make recommendations are valued and these will be used to inform and assist the development of PCC electoral policy and legislation. We will work with the Commission and the AEA and others to ensure the success of the next PCC elections in May 2016, where, as the Electoral Commission notes, turnout may well be higher than in 2012 because the 2016 elections will take place alongside other leading polls and by 2016, the public will be more aware of the impact PCCs are making to deliver on public priorities in improving policing and tackling crime.

20. We also want to take the opportunity to thank the Electoral Commission, the AEA and the Society of Local Authority Chief Executives for their work in helping to shape the legislation and supporting the PCC elections.

ⁱ Police Reform and Social Responsibility Act 2011 (2011 c. 13), Police and Crime Commissioner Elections (Designation of Police Area Returning Officers) Order 2012 (SI 2012/1965), Police and Crime Commissioner Elections (Designation of Police Area Returning Officers) (No 2) Order 2012 (SI 2012/2085), Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012 (SI 2012/1918), Police and Crime Commissioner Elections (Returning Officers' Accounts) Regulations 2012 (SI 2012/2088), Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2012 (SI 2012/2378), Police and Crime Commissioner Elections Order 2012 (SI 2012/1917), Police and Crime Commissioner Elections (Welsh Forms) Order 2012 (SI 2012/2768), Police and Crime Commissioner (Disqualification) (Supplementary Provisions) Regulations 2012 (SI 2012/2087), Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012 (SI 2012/2553), Police and Crime Commissioner Elections (Designation of Local Authorities) Order 2012 (SI 2012/1963), Police and Crime Commissioner Elections (Designation of Local Authorities) (No 2) Order 2012 (SI 2012/2084)