

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Second Delegated Legislation Committee

DRAFT REPRESENTATION OF THE PEOPLE
(ENGLAND AND WALES)(AMENDMENT)
REGULATIONS 2016

Tuesday 7 June 2016

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The Committee consisted of the following Members:

Chairs: †SIR ROGER GALE, †MRS MADELEINE MOON

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| † Atkins, Victoria (<i>Louth and Horncastle</i>) (Con) | † Mills, Nigel (<i>Amber Valley</i>) (Con) |
| † Beckett, Margaret (<i>Derby South</i>) (Lab) | † Penrose, John (<i>Parliamentary Secretary, Cabinet Office</i>) |
| † Cartlidge, James (<i>South Suffolk</i>) (Con) | † Shapps, Grant (<i>Welwyn Hatfield</i>) (Con) |
| † Caulfield, Maria (<i>Lewes</i>) (Con) | † Smith, Jeff (<i>Manchester, Withington</i>) (Lab) |
| Clwyd, Ann (<i>Cynon Valley</i>) (Lab) | † Thomas, Mr Gareth (<i>Harrow West</i>) (Lab/Co-op) |
| † De Piero, Gloria (<i>Ashfield</i>) (Lab) | † Wood, Mike (<i>Dudley South</i>) (Con) |
| † Drummond, Mrs Flick (<i>Portsmouth South</i>) (Con) | |
| † Johnson, Gareth (<i>Dartford</i>) (Con) | Gavin O'Leary, <i>Committee Clerk</i> |
| † McMahon, Jim (<i>Oldham West and Royton</i>) (Lab) | |
| † Mackinlay, Craig (<i>South Thanet</i>) (Con) | † attended the Committee |

Second Delegated Legislation Committee

Tuesday 7 June 2016

[SIR ROGER GALE *in the Chair*]

Draft Representation of the People (England and Wales) (Amendment) Regulations 2016

2.37 pm

The Parliamentary Secretary, Cabinet Office (John Penrose): I beg to move,

That the Committee has considered the draft Representation of the People (England and Wales) (Amendment) Regulations 2016.

I was going to start off, Sir Roger, by saying, “My, Madeleine, how you’ve changed,” but I thought better of it. It is a pleasure to see you in the Chair until Mrs Moon arrives. We look forward to making good progress under your firm and well-judged hand.

This instrument contains the first small steps towards the Government’s vision for a quicker, cheaper, more accurate, more complete and more digital system of electoral registration. The current system was designed in a pre-digital era and specifies analogue processes in huge detail rather than outcomes, which local councils could achieve far more effectively if they were allowed to use basic modern technologies such as email, or data that they already hold on local residents about everything from council tax to parking permits and library cards.

The result is the so-called missing millions, who are not registered to vote. Everyone will, I hope, have seen the huge efforts that are being made to get people to register to vote in the run-up to the EU referendum later this month, but we need to redesign the underlying system and processes if we are to prevent the same problems from recurring in future after the referendum. The instrument contains the first step towards that new world.

Mr Gareth Thomas (Harrow West) (Lab/Co-op): The Minister has set out his grand vision and how this instrument fits into it, but what resources will be made available to electoral registration officers to take advantage of the new processes? Without those resources, all his great efforts may come to nothing.

John Penrose: I plan to come to some of the cost savings that will be made by doing some things more efficiently. These changes should be pretty much self-funding. In future, when other developments are announced, we may have to have that conversation and answer that question case by case. However, these changes, at least, should be self-funding. There are substantial savings to be made by being more efficient in these cases. I will try to give the hon. Gentleman some more detail so that he can see what I mean.

First, the redesign will be achieved by amending the individual electoral registration—IER—application forms to allow applicants to identify that they are the only

person aged 16 or over resident at the address, and to provide discretion to electoral registration officers—EROs—as to when canvass forms must be sent where such information has been given. That means that they will not waste time and effort—returning to the question asked by the hon. Member for Harrow West—in following up people who no longer live at a particular address.

Secondly, the regulations will modernise the system of registration by enabling EROs to send invitations to register—ITRs—and ITR reminders by electronic means if they so wish. I apologise, Sir Roger, for all the three-letter acronyms we are dealing with. The provisions aim to reduce the potential for confusion for members of the public by cutting down on unnecessary ERO correspondence and contact, and to reduce the overall cost of registration and the administrative burden on councils. It is estimated that the single occupancy provision will reduce the overall cost of individual electoral registration by about £1.1 million, and the provision regarding email invitations to register by about £7 million per year.

Jim McMahon (Oldham West and Royton) (Lab): I understand the argument about efficiency, but surely it would make sense to tie in with existing administration. For instance, surely a catch-all registration when people register for a council tax discount or housing benefit payments would be far more efficient than chasing people after the fact.

John Penrose: I will not trespass on your good nature, Sir Roger, by venturing too far beyond the remit of the measure before us, but the hon. Gentleman is absolutely right that there are further steps that we can, and hope to, take in due course, many of which will revolve around better use of data that are already held, as I mentioned in my opening remarks. There are steps that we plan to take. They are not in the regulations at the moment, but if the hon. Gentleman volunteers to come back for future debates on similar statutory instruments, I hope to make announcements about further improvements to the process.

The instrument will also allow an attester to an applicant’s identity to be registered in any local authority area in England and Wales. At present, both the attester and the applicant must be registered in the same local authority. The provision will assist applicants whose identity cannot be verified using the usual Department for Work and Pensions matching process, local data matching or documentary evidence and who must provide an attestation from a suitable reputable individual. The change will result in more eligible applicants becoming registered to vote.

[MRS MADELEINE MOON *in the Chair*]

In addition, the regulations make a number of minor amendments. Regulation 9 corrects an error in the existing regulations concerning the requirement to provide fresh signatures following rejection of a postal voting statement. Regulation 10 makes a technical amendment to a regulation concerning the rejected postal vote provisions at Greater London Authority elections. Regulation 11 corrects an oversight in the current regulations and adds the Local Government Boundary Commission for England to the list of organisations entitled to receive a free copy of the full electoral register. The regulations

make a consequential amendment that changes the name of the Local Government Boundary Commission for Wales, which is entitled to a copy of the register from Welsh EROs, to the Local Democracy and Boundary Commission for Wales.

Finally, on the topic of technical amendments, Mrs Moon—good to see you—I draw the Committee’s attention to a minor error in the draft regulations as laid. The reference in regulation 8(c) to paragraph 3(aa)(ii) should be to paragraph (3)(za)(ii)—a tiny but apparently important amendment. We have consulted with the counsels to the Joint Committee on Statutory Instruments in relation to that and, owing to the minor nature of the error, they are content for it to be corrected when the instrument is made.

The Electoral Commission has been consulted about the instrument. It was given details of the timing of the electoral registration officers’ ability to elect to suppress one canvass for single occupancy households. Generally, the maximum period for a property not receiving a canvass form will be 18 months, and the EROs will have discretion to contact properties more frequently if they feel it relevant. For example, many electoral registration officers have discretion to contact properties before an election to ensure their register is as complete as possible. The Scottish Government also asked for similar clarification.

The Information Commissioner’s Office was also consulted, and it asked about the type of information to be provided by the applicant about other individuals at a particular address. We have provided reassurance that the applicant will not have to provide any personal details about any other person resident at a property. The ICO also noted that the single occupancy information is not mandatory and that it expects the statement to that effect to be clear and prominent in order that applicants are fully aware that the information is not required. The Information Commissioner’s advice was passed on to the Electoral Commission, to be taken into account during the form design process.

The Cabinet Office expert panel of electoral administrators was involved in the development of the cost optimisation measures and was supportive. The Scottish Government suggested that the attestation provision should be extended to allow an electoral registration officer in England and Wales to seek assurances from EROs in Scotland and Northern Ireland. We responded that, rather than placing a burden on Scottish and Northern Irish officials from which those officials could not currently benefit, we would develop joint policy on cross-border attestations with the relevant Governments in due course. I can confirm that I have had correspondence recently with Mr FitzPatrick in the Scottish Government.

In conclusion, the Government believe that the Statutory Instrument before the Committee today makes some useful, largely technical changes as a result of realising the Government’s vision for future electoral registration. It is the start of a process rather than the completion of it and there is further to go, but I hope that the Committee will support this on the basis that it is a sensible beginning of an important journey.

2.45 pm

Gloria De Piero (Ashfield) (Lab): It is a pleasure to serve under your Chairpersonship, Mrs Moon. I thank the Minister for outlining these provisions. We meet on

the final day of voter registration for the EU referendum, which is a fitting time to consider which elements of the current legislation for individual electoral registration need another look. We will support these regulations. First, it will be beneficial to a more mobile generation of younger voters to allow the attester to their identities to come from outside their particular local authority, as it will be to all age groups. Secondly, contacting people by email is, of course, a welcome adjustment to the modern world, particularly for young people, who may be less likely to work with hard copies of official forms, but it will be important to keep the paper forms for voters who prefer not to use online formats. Can the Minister confirm that paper copies will still be available?

While we are making amendments to the voter registration process, it is worth considering the voter registration website. This has made it easier for people to register to vote, but it still contains a field asking for a national insurance number. Will the Minister look at allowing people who do not have their NI number to hand to register to vote by entering other ID numbers—passport number, student number, driving licence number—and ensure that all councils accept such valid forms of ID? Opposition Members have noticed the Prime Minister’s recent attempts to encourage young people to register for the EU referendum. That has been extremely welcome, and I hope that the Minister’s party will continue this very positive push to enfranchise more young voters. Will the Minister support some of the measures I have discussed with him in the past, such as the Northern Ireland school initiative and registration by universities during their annual enrolment process?

It is welcome that the Local Government Boundary Commissions for England and Wales will now receive free copies of the electoral register, but the huge efforts we have all been making to get more people on the register since December 2015 have meant a dramatic increase in the numbers. Will the Minister confirm that he cannot possibly use the December figures for the upcoming review of constituency boundaries?

The regulations we are scrutinising today are important and welcome, but I would like the Minister to address the following points. Will paper forms still be available? What will he do to ensure that more young people are registered to vote? How can we have more flexible use of personal identity numbers? And can he ensure that constituencies accurately represent the number of people who live there?

2.48 pm

John Penrose: I will endeavour to respond to each of the points that the shadow Minister has made. First, though, I welcome her support and her party’s support for these measures as they stand. It is particularly important when we are talking about electoral registration that we have a cross-party attempt to persuade and encourage people, no matter how they plan to vote and whichever side of the fence they may be on, whether in the EU referendum or in a party political general election, to register to vote and to use their democratic voice. In fact, so keen am I on cross-party support that I even retweeted one of the hon. Lady’s tweets encouraging voter registration a week or two ago—I am endeavouring to practise what I preach.

[John Penrose]

The shadow Minister asked some specific questions. She asked whether paper copies of the forms would still be available, and the straightforward answer is yes, they will. We are aiming to ensure that the process is media-neutral, if I can put it that way, depending on how people can best be approached. Some people prefer email—many do—but many still prefer paper, so we need to provide the flexibility for electoral registration officers to use either method, to suit the local demography and unregistered electorate.

The hon. Lady also asked about alternatives to national insurance numbers on the registration website. I can set her mind at rest: we are already doing precisely as she rightly suggests. In general, national insurance numbers are for many the simplest, quickest and most convenient way of proving their identity, but they are far from the only acceptable method. For those who do not have a national insurance number readily to hand and have to look it up—they may not be in a convenient place to do that—other forms of ID are available, should they be required.

Gloria De Piero: Clarity on the form is absolutely essential. Some do not realise—I know that it is possible—that in some cases, student numbers are acceptable. Other councils accept other forms of identification. What is important is that there are universally acceptable forms of identification, and that it is clear that they are universally acceptable on that online form.

John Penrose: The hon. Member for Ashfield is absolutely right. Some of those alternatives are prompted for later on in the website user journey, to use the jargon. If someone cannot provide their national insurance number, other alternatives are listed. For example, documentary evidence can include passports and driving licences. It can involve attestation. That is usually the most time-consuming for all concerned, but if someone runs out of all other alternatives, they can get someone of reputable standing to say that they are who they say. Local data can also be used, because many councils have some information that they can use. She is absolutely right that clarity is helpful, but for most people—not all—national insurance numbers are usually a very good place to start.

Margaret Beckett (Derby South) (Lab): I do not want to detain the Committee, but national insurance numbers are not necessarily a terribly reliable guide. I understand exactly the point he is making, but in my case, I have been fortunate enough to have been the Member of Parliament for my constituency for 33 years and to have lived in the same house throughout, but when the process was first started I was asked whether I could prove my identity on the grounds that the Department for Work and Pensions said it had never heard of me and so far as it was concerned, I did not exist. It had been paying my pension for a few years, too.

John Penrose: That means there is little hope for any of us. I assure the right hon. Lady that I think we got to well over nine out of 10 electors in the transition from the old system to the new individual electoral registration. They were able to be confirmed through checks with the DWP, but she is absolutely right that there are some cases where that cannot be done. In some cases, a

partial match comes back, and the level and weight of evidence that can be provided is not satisfactory. In those situations, electoral registration officers will come back and ask for further evidence. I am sorry that she was put through that, particularly since she should be one of the more recognisable local residents in her area, if I can put it politely.

The hon. Member for Ashfield also asked what we were doing to promote and encourage registration among young people. She and I have corresponded several times on that already. There are a number of things that we could do—she came up with a couple of examples in her remarks—to do with some of the schools proposals. Some are being used in Northern Ireland, although there are equivalents that are not quite the same in the mainland UK. There are also things to do with students. Many of those ideas are helpful and useful, and we are considering them in the broader programme which I alluded to, but they are far from the only things that can be done.

We are all aware of some under-represented groups because they are people who knock on our doors regularly, or we encounter them when we are out canvassing or they have a particularly vocal lobbying group, but we need to be careful to be aware that other under-represented groups are perhaps not as politically visible, and we should not forget them. Clearly, we need to be as even-handed as we can if we are to ensure that our democracy is firmly based.

One group that people tend to forget has the worst level of registration of all, and that is overseas electors. Those who have been overseas for less than 15 years are legally entitled to vote under the current franchise, and at the last election only 5% of them were registered to vote. Looking at some of the figures for some of the other groups, the hon. Member for Ashfield is absolutely right. In the case of students, for example, 28% are not registered to vote; 71% or 72% are. However, 95% of British citizens living abroad who are legally entitled to vote are not registered. We need to make sure that we are even-handed and that we are giving everybody the best possible opportunity to join in. I can promise everybody here that we are looking at a range of options, including some of the ones that the hon. Lady has mentioned, and we are trying to rank them by how much impact they are going to have and how fast, and to get through as many of them as we can in due course.

The hon. Member for Ashfield's final question was about the boundary review and the data. One of the things which the last piece of primary legislation on the boundary review did was reduce the frequency or length of time between boundary reviews. It used to be every 10 years and sometimes even longer. That is now going to be reduced to five years. That will mean that a process which was always based on a snapshot and was always therefore to a degree out of date will be much less so in future. It is still not perfect, but it is a great deal better than it used to be.

Furthermore, we are talking about a register which, as a result of individual electoral registration, will now be more accurate than it has ever been, although it could still be more accurate. It is still 84% or 85% complete, and still needs to be made a great deal more complete, along the lines of some of the things we are now doing. I hope we are on a trend of improving accuracy for the data which inform not only our polling

day get-out-and-vote operations and eligibility to vote but also the accuracy of the constituency boundaries on which we all depend. I hope that answers the hon. Lady's questions.

Question put and agreed to.

2.56 pm

Committee rose.

