

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Second Delegated Legislation Committee

DRAFT ELECTORAL REGISTRATION PILOT
SCHEME (ENGLAND) ORDER 2016

Monday 4 July 2016

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Friday 8 July 2016

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The Committee consisted of the following Members:

Chair: ANDREW PERCY

† Blackwood, Nicola (<i>Oxford West and Abingdon</i>) (Con)	† Mathias, Dr Tania (<i>Twickenham</i>) (Con)
Cadbury, Ruth (<i>Brentford and Isleworth</i>) (Lab)	† Penrose, John (<i>Parliamentary Secretary, Cabinet Office</i>)
Davies, Glyn (<i>Montgomeryshire</i>) (Con)	† Smith, Cat (<i>Lancaster and Fleetwood</i>) (Lab)
† Drax, Richard (<i>South Dorset</i>) (Con)	† Smith, Jeff (<i>Manchester, Withington</i>) (Lab)
† Fitzpatrick, Jim (<i>Poplar and Limehouse</i>) (Lab)	Umunna, Mr Chuka (<i>Streatham</i>) (Lab)
† Fysh, Marcus (<i>Yeovil</i>) (Con)	† Wollaston, Dr Sarah (<i>Totnes</i>) (Con)
† Garnier, Sir Edward (<i>Harborough</i>) (Con)	
Goodman, Helen (<i>Bishop Auckland</i>) (Lab)	Ben Williams, <i>Committee Clerk</i>
† Howlett, Ben (<i>Bath</i>) (Con)	
† Johnson, Gareth (<i>Dartford</i>) (Con)	† attended the Committee

The following also attended (Standing Order No. 118):

Davies, Chris (*Brecon and Radnorshire*) (Con)

Second Delegated Legislation Committee

Monday 4 July 2016

[ANDREW PERCY *in the Chair*]

Draft Electoral Registration Pilot Scheme (England) Order 2016

4.30 pm

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

That the Committee has considered the draft Electoral Registration Pilot Scheme (England) Order 2016.

It is a pleasure to have you in the Chair looking after us, Mr Percy, as always. The draft order establishes a pilot scheme in Birmingham, Ryedale and South Lakeland. The electoral registration officer in each of the specified areas will test new and innovative approaches to canvassing. The Electoral Commission will report on the pilot scheme and provide a copy of its evaluation to the Chancellor of the Duchy of Lancaster and the EROs by the end of June, and the order will cease to have effect in July 2017.

As some members of the Committee might already be aware, the process for household canvass is micromanaged in excruciating detail under the Representation of the People (England and Wales) Regulations 2001. Electoral registration officers are required to send an annual canvass form—household enquiry form or HEF—to every property in their area. The HEF asks residents to set out whether there has been any change in the composition of households since the previous year's canvass, to identify whether any residents should be added to or removed from the register. When no response is received, as is more often than not the case, EROs have to issue up to two further forms and to carry out at least one home visit.

The aim of the canvass is obviously sensible, but many EROs and electors find the procedure frustrating and confusing. Electors who know themselves to be registered do not understand why, none the less, they might receive three letters and a visit from the local ERO. It is particularly baffling when it happens a matter of weeks after an election. This year, for example, many citizens will have voted in local, devolved, or police and crime commissioner elections in May, the European Union referendum in June, and perhaps even a by-election as well. When the annual canvass takes place between July and December, however, they will solemnly be sent fresh inquiries about their registration status. Only 20% of households will have changed over the course of a year, so the majority of canvass activity is entirely fruitless; 80% of the population will be “no change” on the electoral register.

That heavily bureaucratic process stifles innovation and throttles new and more digital approaches at birth. From knowing the local area or from having access to other local council data, EROs might already know that Mrs Smith, who has been living at Acacia Avenue in Little Dribbling for the past 50 years, has not pulled up

sticks since the previous month's election. Yet if Mrs Smith fails to respond to her first HEF, she will receive two more letters and a visit, because they are legally required. I think we can all agree that that is simply not a good use of EROs' resources or taxpayers' money.

In passing, given recent innovations in online registration, electoral events such as the recent EU referendum may drive registration sharply upwards to new heights. Electoral registration officers are therefore telling me that the existing system of canvassing in advance of a poll, or immediately after one in the summer, may not be the best approach for the modern world.

We clearly need to move from an old-fashioned, paper-based, process-driven system to one that is flexible and digital, makes use of local data, and is focused on outcomes rather than outputs. The solution proposed, the impetus for which has come from EROs themselves, is to test alternative methods for conducting the annual canvass that are digital, cost-effective, modern and capable of securing the same or higher results than the existing process.

The pilots will take place in Birmingham, Ryedale and South Lakeland, as I said. In each area the EROs will be operating control groups and pilot groups, so that the results of the approaches may be rigorously evaluated. In Ryedale, which can be characterised as a predominantly rural area with a largely static population, pilot groups will receive household notification letters, rather than the usual household enquiry form. The HNL, sent by post, will list the details of everyone registered to vote in that household and will advise residents to take action only when the details shown are no longer up to date. They may take action to correct them, if necessary, by informing the ERO of changes over the internet or by phone. New residents will be asked to register online or invited to register by their ERO. The issuing of HNLs will be supported by awareness-raising activities in the media, on the council website and on social media.

In Birmingham and South Lakeland, electors' registration details will first be compared against local data resources. Council data will be checked and when the details are found to match, households will be sent a household notification letter—by email where possible—to which electors will be required to respond only if changes are needed. The same process as in Ryedale will be gone through after that.

We have of course consulted the Electoral Commission on the pilot proposals. It has been very supportive of the plans and has been involved in the early stages of their development. Consultation has also taken place with the Association of Electoral Administrators and Solace—the Society of Local Authority Chief Executives and Senior Managers. That is in addition to the work we have been doing directly with interested councils, which have proposed many of the ideas being trialled in the pilots.

As we have discussed with the Electoral Commission, subject to the outcome of these pilots the Government's intention is to make permanent legislative changes to the annual canvass. It is likely that we will look to launch a second round of canvass pilots in 2017 to trial other ideas too. Although the purpose of the pilots is to give EROs the space to innovate and test alternative, more effective approaches, I underline that the integrity of the register will be maintained throughout the pilots.

Electoral registration officers have always had, and will continue to have, a duty under the Representation of the People Act 1983 to maintain the registers, and nothing in the order changes that. With that in mind, the Government believe that this statutory instrument is a crucial step towards improving the annual canvass and wider registration process, and I therefore commend it to the Committee.

4.36 pm

Cat Smith (Lancaster and Fleetwood) (Lab): It is a pleasure to serve under your chairmanship, Mr Percy. I welcome this opportunity to discuss a pilot scheme that aims to improve the electoral registration process.

Sadly, the Government's record on this area to date is poor. As a result of the Government's rushed move to individual voter registration, 1.5 million people went missing from the electoral register from 2014. That is on top of an estimated 7.5 million people who were missing from the register prior to that date. The fact that so many of our citizens are disfranchised is a national scandal.

This debate is particularly timely, given the chaotic scenes we saw last month. In the hours leading up to the voter registration deadline for the EU referendum, so many people attempted to register that they crashed the Government's website. There could not be a clearer indication of the need to improve the completeness of our electoral registers as a matter of routine. The Government must ensure that in future elections or referendums, individuals are not forced into a last-minute scramble to register.

I note that the Electoral Commission has given the pilot schemes a cautious welcome, with certain conditions. It states:

"The aims and objectives of the schemes must be well-defined and clearly stated, and include clear evaluation criteria to enable a proper assessment of their impact on the completeness and accuracy of the electoral register; the convenience of electoral registration for electors; and the costs of the electoral registration process."

I am aware that Ministers do not always listen to the advice of the Electoral Commission, particularly when they want to push through individual voter registration ahead of the boundary review, but I hope that they will do so on this occasion. It would be useful if the Minister could provide further information on how he plans to evaluate the effectiveness of these schemes.

In particular, the proposal in article 5 to give electoral registration officers more discretion over how they contact households as part of the annual canvass is interesting. Will the Minister clarify how he will monitor whether the most appropriate method of canvassing a household is chosen by EROs over simply the cheapest? For example, an email or telephone call may end up being more cost-effective than a letter or a visit to an address. However, if the call is made while everyone in a household is at work, or if an email is sent to a defunct email address or simply ends up in a junk folder, some individuals may, in effect, receive no contact at all encouraging them to register.

In addition, how does the Minister plan to evaluate the effectiveness of the pilots in registering groups who we know are particularly poorly represented on the electoral register? Prior to the EU referendum, Bite the

Ballot estimated that about 30% of young people aged 18 to 24 are not on the register. Certain black and minority ethnic groups are also woefully under-represented on it. According to the Electoral Commission, the registration rate for black people is only 76%, and for people of mixed ethnicity the rate is 73.4%. In 2014 the Political and Constitutional Reform Committee found that

"turnout for people from BME groups once they are registered to vote does not differ significantly from turnout for White British residents who are registered to vote."

Although this is clearly a complex issue, that suggests that if we can find a way of improving registration rates among these BME groups, it would go a long way towards increasing the percentage of people who cast their vote at elections.

The Opposition look forward to monitoring the pilots and will work with the Government in supporting measures that are effective in improving the accuracy and completeness of the annual canvass.

4.39 pm

John Penrose: I will endeavour to respond to the points raised by the hon. Member for Lancaster and Fleetwood. I start by saying that I completely agree that the so-called missing millions—people who have never been on the electoral register—is indeed a national scandal. There are some groups that are woefully under-registered and therefore woefully under-represented in our democracy. I hope that we can all agree, on a cross-party basis, that that needs to be put right. In fact, I think it is stronger and better if we can agree on that on a cross-party basis, because it will reassure people, whichever under-represented group they may be in, that this is not something in which one particular party has a party political axe to grind for its electoral advantage; it is something that is right for democracy, no matter what. If we can make common cause—I am pleased to hear that we are—we can make progress.

The hon. Lady is absolutely right to point out that some BME groups are woefully under-represented. She mentioned young black males in particular, but there are other groups as well. It is interesting to note that in some areas some BME groups are over-represented—not in terms of there being too many of them, but because their representation is above the national average. That is to be welcomed. There is nothing necessarily linked to being part of the BME community that means they must be under-represented or that they are necessarily hard to reach. Different approaches need to apply to different communities within the BME classification. A tailored approach is needed for each, because the problems are clearly not the same in every case.

The hon. Lady also mentioned other groups. Students are frequently cited, but they are actually an example of a much broader category of people who live in short-term rented accommodation, for which levels of registration are a great deal lower. That is not necessarily because people do not want to register, but because, as a practical matter, it is relatively difficult for the local electoral registration officer to keep up with people who move quite regularly. They may therefore lose track of those people, who will drop off the register at that point.

There is one other group that is by far the largest, in terms of numbers, and also the least well-represented on the register in terms of percentage registration: expatriate voters. We currently have a couple million

[John Penrose]

ex-pats who have been living abroad for less than 15 years. They are legally entitled to vote but only something like 5% of them are currently registered. That is a huge scandal. It is actually far worse than any of the other groups we have been talking about, and in some cases worse than several of them put together. We need to ensure that they are included in any of our calculations.

The hon. Lady specifically asked how we will evaluate the success or failure of some of those canvass pilots. Clearly not all of them will be successful. I mentioned that local authorities will be running control groups as well as pilot groups, so these will be properly controlled experiments that can be used to compare those groups within the same area or within neighbouring areas where the new process has been applied. The outcomes and results will be independently evaluated by the Electoral Commission to ensure that an independent view is taken. It will want to be as rigorous and scientific in its approach as possible, and we will therefore learn a great deal about what does and does not work.

Another idea that we are considering is effectively to set up an online academy where the results of these pilots and others will be published in a transparent fashion, so that everyone can see which bits worked and which did not. That will be of interest not only to us as elected parliamentarians, but to electoral registration officers elsewhere in the country. They will be able to look at what has happened in Birmingham, Ryedale or wherever and see which techniques might be useful and they might want to copy. They will be able to see the detail, the methodology applied and the outcomes, and they will publish their results when they try it, too, therefore creating a virtuous circle of learning.

Jim Fitzpatrick (Poplar and Limehouse) (Lab): The Minister and I have debated the anomalies in Tower Hamlets before, where there have been accusations of electoral fraud and so on. How will the Electoral Commission accommodate those anomalies into the overall scheme of things to make sure that the results are not skewed and that they provide a result that is of benefit to local authorities in understanding the best way to go forward?

John Penrose: The hon. Gentleman is absolutely right. We have debated this in the past, and the only point on which I disagree with his comments is that we are now

talking not just about accusations of electoral fraud, but about actual convictions. The situation is a great deal worse than people might otherwise think.

Jim Fitzpatrick: I was not defending them.

John Penrose: I appreciate that the hon. Gentleman was not defending them at all; he is pursuing the need to improve things. The answer to his question is that, because we are trialling these different ideas with control groups—it is not quite a randomised control trial, but it is the closest we can get to a genuinely scientific method in these situations—we should be able to compare places in which they have and have not been tried. The differences will be readily apparent and will be auditable and accessible to those elsewhere in the country, if we go ahead with the idea of an online academy.

The hon. Member for Lancaster and Fleetwood asked what would happen if somebody's email address was out of date, and whether they would get no contact from the local electoral registration officer as a result. I mentioned in my opening remarks that the initial household notification letter in these trials will be sent by post and will land on the doormat at a physical address. Follow-ups can then be done online or in some other way, but the initial contact will still happen by post.

In the two areas where the trials will be backed up by local council data, if there is no follow-up contact and the local electoral registration officer knows, for example, that someone is on the council tax database but is not responding in a particular area, they can then focus their resources and efforts on that address because there is likely to be somebody there who is not responding and is not registered. Incidentally, it may be that somebody is not responding because they are not a legitimate voter—they might be a foreign national and therefore ineligible to vote—but it is important for the electoral registration officer to pursue that point to a satisfactory resolution if they know from other records that somebody is there.

I hope that has answered the points we have been dealing with and reassured everybody, and that we can therefore approve the draft order forthwith.

Question put and agreed to.

4.47 pm

Committee rose.