

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT POLICE AND CRIME COMMISSIONER
ELECTIONS (AMENDMENT) ORDER 2020

Monday 24 February 2020

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Friday 28 February 2020

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The Committee consisted of the following Members:

Chair: SIR GARY STREETER

† Allan, Lucy (<i>Telford</i>) (Con)	† Slaughter, Andy (<i>Hammersmith</i>) (Lab)
† Bacon, Mr Gareth (<i>Orpington</i>) (Con)	† Smith, Cat (<i>Lancaster and Fleetwood</i>) (Lab)
† Baldwin, Harriett (<i>West Worcestershire</i>) (Con)	† Smith, Chloe (<i>Minister of State, Cabinet Office</i>)
† Benton, Scott (<i>Blackpool South</i>) (Con)	† Spellar, John (<i>Warley</i>) (Lab)
† Britcliffe, Sara (<i>Hyndburn</i>) (Con)	† Stewart, Iain (<i>Lord Commissioner of Her Majesty's Treasury</i>)
† Butler, Rob (<i>Aylesbury</i>) (Con)	† Sultana, Zarah (<i>Coventry South</i>) (Lab)
† Fletcher, Colleen (<i>Coventry North East</i>) (Lab)	
† Holden, Mr Richard (<i>North West Durham</i>) (Con)	Dominic Stockbridge, <i>Committee Clerk</i>
Hunt, Jane (<i>Loughborough</i>) (Con)	
Owen, Sarah (<i>Luton North</i>) (Lab)	
† Phillipson, Bridget (<i>Houghton and Sunderland South</i>) (Lab)	† attended the Committee

The following also attended (Standing Order No. 118(2)):

Moore, Damien (*Southport*) (Con)

First Delegated Legislation Committee

Monday 24 February 2020

[SIR GARY STREETER *in the Chair*]

Draft Police and Crime Commissioner Elections (Amendment) Order 2020

4.30 pm

The Minister of State, Cabinet Office (Chloe Smith): I beg to move,

That the Committee has considered the draft Police and Crime Commissioner Elections (Amendment) Order 2020.

It is a pleasure to serve under your chairmanship, Sir Gary. With your permission, I will make a few introductory points about what the statutory instrument does.

The draft order seeks to make important improvements to the electoral framework and processes that underpin police and crime commissioner elections. It will introduce two changes. First, it will ensure that expenses that are reasonably attributable to any candidate's disability, and reasonably incurred, are excluded from the candidate's electoral spending limits for PCC elections in England and Wales. That will have a positive impact on individuals seeking elected office who have a disability.

The order will mean that candidates may incur disability-related expenses without it affecting their spending limits. Examples would include British Sign Language interpretation for hearing-impaired candidates, the transcription of campaign material into Braille for visually impaired candidates or other specialist equipment, to give a non-exhaustive list of examples.

The order will ensure that standing for PCC elections is made fairer for disabled candidates. It is an important step in making our democracy more accessible and representative of the British public. About one in five of the UK population has a disability but, as we are all too well aware, disabled people remain under-represented in our elected offices.

The draft SI follows the coming into force of the Representation of the People (Election Expenses Exclusion) (Amendment) Order 2019 in February last year. That exempted disability-related expenses from the spending limits of candidates at UK-wide elections, including UK parliamentary general elections—a number of us were present for the debate on that measure and found it helpful. Today's instrument will complete the set, of which I am very proud.

Secondly, the draft order will introduce changes to election forms to reflect where an order has been made to give PCCs the power to undertake fire and rescue authority functions. That is relevant currently to Essex, Staffordshire, North Yorkshire and Northamptonshire. That part of the order is in relation to changes made to the Fire and Rescue Services Act 2004 by the Policing and Crime Act 2017, which allow PCCs to take on the responsibility for fire and rescue governance where that is in the public interest and in the interests of economy, efficiency and effectiveness. The measure will ensure

that the relevant election forms, including poll cards and ballot papers, are clear as to what functions the person being elected will have. That will help voters to be fully aware of the role of the office for which they are voting.

John Spellar (Warley) (Lab): What possible evidence is there that voters have any knowledge of, or interest in, the role of police and crime commissioners? When there are stand-alone elections, the turnout is appalling. Should the Department not look at whether the elections serve any purpose—and, indeed, at considerable expense?

Chloe Smith: No, today the Department should not be looking at that; today, the Department should be—and the Committee is—looking at whether we can make it clear that the forms reflect the functions to which the candidates aspire. I support ensuring that voters are well informed, as I am sure do most members of the Committee.

We consulted the Electoral Commission on the draft order and, as one might expect, we worked on it across Government between the Cabinet Office, the Government Equalities Office in respect of disabilities, and the Home Office in respect of police and crime commissioner policy. All those consulted were supportive of the proposals. We also kept the parliamentary parties panel informed of the changes. It meets quarterly to discuss electoral issues and consists of representatives of each of the parliamentary political parties that have two or more sitting MPs.

It is important that the draft order is in place as soon as possible, so that it may apply in the build-up to the PCC elections on 7 May. The instrument will therefore come into force on the day after the day on which it is made.

Harriett Baldwin (West Worcestershire) (Con): This was quite a controversial subject in West Mercia, where there was discussion about the West Mercia police and crime commissioner and the Hereford and Worcester fire authority. Will the Minister clarify whether the draft order means that the ballot form must use the word “fire” for the commissioner, or whether that is simply optional, and will she explain the governance around that change?

Chloe Smith: I thank my hon. Friend for that question. I am afraid I shall have to write to her to ensure that she has exactly the level of detail she seeks. I do not believe the two authorities she mentioned are in the list of four that I just referred to, but I will happily ensure I come back to her so that, should this be relevant in the future, she and her local colleagues have the detail on which to draw.

The final point I want to make is that the Electoral Commission has, ahead of the next police and crime commissioner elections, released guidance that includes information on the exemption brought forward in the draft order.

In conclusion, I remind the Committee that the draft order makes two changes. The first, which I think is morally important, helps to ensure that there is a level playing field for those who have disabilities but want to give valuable public service. They should be welcomed

and supported, and that is what this statutory instrument helps to do. Secondly, the draft order performs a fairly small administrative function in ensuring that there is clear information on all relevant forms in respect of a new function being provided to some police and crime commissioners. I commend the draft order to the Committee.

4.37 pm

Cat Smith (Lancaster and Fleetwood) (Lab): It is a pleasure to serve under your chairmanship, Sir Gary. Let me start, as I think I did the last time we scrutinised a similar instrument, by noting that this House of Commons is the most diverse yet in terms of gender, race and sexual orientation. I am sure the whole Committee welcomes that progress but also acknowledges that we have an awfully long way still to go—as, of course, does the Prime Minister, whose new Cabinet seems to have fewer women in it than his first and is two thirds privately educated.

It is clear that progress on the participation of disabled people in our political process has stalled. In fact, we may be going backwards. In the immediate aftermath of the 2019 general election, disability campaigners pointed out that there appear to be fewer disabled MPs than there were in the previous Parliament, with just five disabled MPs in this Parliament. We must be mindful, of course, that some MPs may have chosen not to make public their disability, but that is a concerning backward slide none the less.

We are here to consider the matter of encouraging the participation of disabled people in politics, and we must not lose sight of the bigger picture when discussing the merits of the draft order. Tracey Lazard of Inclusion London said:

“The lack of representation of our communities in parliament is shocking but not a surprise—it’s another symptom of our continued marginalisation and exclusion.

We begin to change this by removing the barriers and addressing the material factors that stop Deaf and disabled candidates”

participating in politics.

I am pleased to say that the draft order removes one barrier. Election expenses incurred and attributable to a candidate’s disability should never count towards their electoral spending limits. That is common sense, and the draft order, in applying to police and crime commissioner elections an exemption that already applies to the other elections the Minister set out, does the right thing. Disabled candidates should never be penalised simply because they have a disability.

However, I gently remind the Minister once more that the Electoral Commission continues to recommend that legislation—secondary as well as primary—should be clear at least six months ahead of an election at which it is intended to be complied with. The explanatory memorandum states:

“It is envisaged that the instrument will come into force...before the Police and Crime Commissioner elections in May 2020.”

That is, of course, just a few months—10 weeks—away. Although it is unlikely that the draft order will create significant reporting problems for disabled candidates, does the Minister acknowledge the good sense of the Electoral Commission’s recommendation that changes should be made clear at least six months in advance?

John Spellar: Although election day may be 10 weeks away, a considerable number of people in many parts of the country—particularly where there are high levels of postal votes—will receive their postal votes some three or four weeks earlier.

Cat Smith: My right hon. Friend is absolutely correct; I cannot argue with his logic at all. These elections are far sooner than many of us might think.

Legislation should be clear at least six months in advance, so this is clearly very late in the day to make changes. What conversations has the Minister had with the Electoral Commission regarding support for disabled candidates who claim the financial exemption provided for by the draft order?

While Labour Members are happy to support the draft order, we believe that there are many more barriers to remove before disabled people can participate equally in politics. I suspect the Minister knows what I am about to say—we have had this discussion before—but it is imperative to recognise the huge financial barriers that penalise disabled candidates. The support provided by the Government to mitigate that is completely insufficient, and we know why.

The Conservative Government’s decision to cancel the access to elected office fund was completely unjustified and severely damaging. The Government’s own evaluation highlighted the fund’s positive impact on disabled candidates, enabling many to stand for election, and noted that the Geneva-based Zero Project selected the fund as one of the top global innovative policies to support and encourage political participation by people with a disability. Despite that, the Government repeatedly refused to listen to disability campaigners who rightly called for the fund’s reinstatement, which the Labour party fully supports, as does the Equality and Human Rights Commission. The EHRC said:

“The UK Government should reopen the Access to Elected Office Fund in England, and work with the Scottish and Welsh Governments to explore options for making the scheme, or similar funds, available across Great Britain.”

Does the Minister agree that the access to elected office fund was a success, and that its abolition has weakened the support available to disabled candidates? Will she do the right thing and work with disability campaigners and the Scottish and Welsh Governments to reopen the fund? The current approach simply is not working. The funds recently provided by the Government to support disabled candidates have been inadequate. The EnAble fund for elected office, launched in 2018, was intended to support disabled people seeking election in the May 2019 local elections and the May 2020 police and crime commissioner elections, yet the fund ends in just over a month, on 31 March. It is not a long-term solution to the substantial under-representation of disabled people in public life, and there is considerable confusion among disability campaigners as to what Government support, if any, will be available after it ends.

Whatever happens, the Labour party will do all we can to support disabled candidates. However, in the absence of long-term Government support, many smaller and financially precarious parties will struggle to provide the necessary financial assistance, and the case against disabled people standing as independent candidates speaks for itself. The Government have in effect insisted that it is the responsibility of political parties to meet

[Cat Smith]

the disability-related costs of their candidates, and as a consequence many general election candidates were forced to pay those extra costs themselves.

When it comes to encouraging the participation of disabled people in politics, the Government cannot continue to offload the responsibility on to political parties alone. That will not lead to the progress that we so desperately need. I commend the Government for the draft order, which we support, but I implore them to restore the access to elected office fund and to provide proper support for disabled candidates, now and in the long term.

The Chair: Thank you. I have been quite lenient in allowing the hon. Lady to—very skilfully—go slightly wider than the draft order. However, I think it was relevant, and I am therefore quite happy for the Minister to touch on some of those wider issues.

4.44 pm

Chloe Smith: I am keen to touch on those wider points, although as you rightly point out, Sir Gary, the draft order does a separate, positive thing that is not the subject of the series of points made by the shadow Minister.

I think we all agree that we want to see more disabled people in public life. That is true on many grounds, but quite simply it would make our democracy better because it would make it more representative and diverse. That is what we all want, and the measure before us will help it to happen. We also have a series of policy instruments that have been helpful in allowing for it.

The access to elected office fund was a positive contribution. Evaluation of it is already available, and I am sure that the hon. Lady and every other member of the Committee has read it fully, so I will not go into detail on that. However, I will touch on the way in which the successor fund, the EnAble fund, was put in place. It came about for a very important reason. As a matter of principle, political parties should be encouraged to give support to their candidates because we expect the very same of employers. We expect the very same even of, for example, shop premises, where reasonable adjustments have to be made for members of the public who have disabilities. Therefore, we should not hesitate to apply that principle to this field as well. It is simply an inadequate argument to say that we should turn away from that and political parties should not have that reality brought home to them. I therefore welcome the principle that was at the heart of the EnAble fund.

On the hon. Lady's point that the funds were "inadequate", I think she will find, when the full evaluation is published, that they were not and that the funds allocated were ample for what was being applied for. We should be accurate in how we deal with such things.

As the hon. Lady took the opportunity to talk about her party, I shall briefly place it on the record—and I am very proud to say it—that the Conservative party operates a system of bursaries and has helped disabled candidates within that. That is very important, and I for one will argue strongly for it to continue because I think that it is right, as a matter of principle, that political parties do that.

We have also seen, through both the access to elected office fund and the EnAble fund, the ability for independent candidates to be supported, which is an important additional point.

The EnAble fund is due to come to a close, and the successor arrangements are under consideration as we speak. Many representations will be made as to how the fund should be taken forward, and I am sure that the points made in this Committee will be valuable in that context. In addition, it was a manifesto commitment of the Government to publish a strategy for disability this year, which we shall be doing. I look forward to making a small contribution to that from the elections policy brief. Given that, I think people will see the right level of attention being paid to the important issues raised here today.

Let me wrap up on the specifics of what this statutory instrument does. As I said earlier, it does two things. One is almost entirely administrative, in that it ensures that the correct title is given for PCCs on the forms, but the other—the first—is a real milestone in terms of the fairness of how we run elections. I am very pleased that today we are completing the set, with this type of election coming alongside those that we legislated for last year, and allowing a more level playing field for disabled people who want to go into public service. I sincerely hope that people feel empowered by what we are doing here today, and I think we can be proud of the support that we are giving in this Committee. With that, I believe I have addressed what has been said on disability issues.

The final question is whether there has been enough time to do this. It will not have escaped your notice, Sir Gary, nor that of anyone else in the room that if we had counted back six months from May of this year, we would have found ourselves broadly in the middle of a general election campaign. That means that there simply was no ability to be here in this room dealing with this SI then. However, as I said earlier, the Electoral Commission has been making clear in the guidance for the forthcoming elections that these measures are in place, so I do not think it comes as a surprise. Indeed, I think that it has been anticipated and will be made use of, and I therefore commend the order to the Committee.

Question put and agreed to.

4.49 pm

Committee rose.

