

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Ninth Delegated Legislation Committee

DRAFT REPRESENTATION OF THE PEOPLE
(ELECTORAL REGISTERS PUBLICATION DATE)
REGULATIONS 2020

Wednesday 16 September 2020

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Sunday 20 September 2020

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The Committee consisted of the following Members:

Chair: †MRS MARIA MILLER

† Bell, Aaron (<i>Newcastle-under-Lyme</i>) (Con)	† Smith, Cat (<i>Lancaster and Fleetwood</i>) (Lab)
Betts, Mr Clive (<i>Sheffield South East</i>) (Lab)	† Smith, Chloe (<i>Minister of State, Cabinet Office</i>)
Cates, Miriam (<i>Penistone and Stocksbridge</i>) (Con)	Timms, Stephen (<i>East Ham</i>) (Lab)
† Eastwood, Mark (<i>Dewsbury</i>) (Con)	† Wakeford, Christian (<i>Bury South</i>) (Con)
† Fletcher, Colleen (<i>Coventry North East</i>) (Lab)	† Wheeler, Mrs Heather (<i>South Derbyshire</i>) (Con)
† Gibson, Peter (<i>Darlington</i>) (Con)	† Winter, Beth (<i>Cynon Valley</i>) (Lab)
† Hunt, Jane (<i>Loughborough</i>) (Con)	† Wright, Jeremy (<i>Kenilworth and Southam</i>) (Con)
† Linden, David (<i>Glasgow East</i>) (SNP)	
Mearns, Ian (<i>Gateshead</i>) (Lab)	Zoe Backhouse, <i>Committee Clerk</i>
† Rutley, David (<i>Lord Commissioner of Her Majesty's Treasury</i>)	† attended the Committee

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

Kruger, Danny (*Devizes*) (Con)

Ninth Delegated Legislation Committee

Wednesday 16 September 2020

[MRS MARIA MILLER *in the Chair*]

Draft Representation of the People (Electoral Registers Publication Date) Regulations 2020

9.25 am

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

That the Committee has considered the draft Representation of the People (Electoral Registers Publication Date) Regulations 2020.

It is an absolute pleasure to serve under your chairmanship for the first time, Mrs Miller. I welcome you to your position on the Panel of Chairs.

The regulations follow on from my announcement in a written ministerial statement in June that, in the light of the many challenges posed by the covid-19 pandemic, we intended to introduce legislation to delay the deadline for the publication of this year's revised parliamentary and English local government registers by two months, from 1 December to 1 February. I will briefly run through what we are doing and why before I take questions from the Committee.

The annual canvass, which is run by electoral registration officers in each local authority, is, as I am sure hon. Members know, an information-gathering exercise that ordinarily runs for five months from 1 July to 1 December. The aim is to ensure that the electoral registers are as complete and accurate as possible. The information gathered during the canvass is used to identify electors who should be deleted from the registers for reasons such as death, ineligibility, or moving address. It also identifies eligible citizens who are not on the register and should therefore be invited to register. The process of inviting to register involves a separate form to the canvass: a process with which I think hon. Members are familiar.

The revised register is then published on or before 1 December, normally with an exception if, for example, an election is held in the ERO's area during that period. In that exceptional case, the final deadline is automatically delayed to 1 February the following year. Today's legislation allows flexibility, but follows in some ways the shape of the December to February exceptional approach. The regulations give the EROs an additional two months to conduct their work should they need that due to the challenges caused by the pandemic. They will still be able to publish before 1 February if they want to, which is still in line with current legislation.

I want to touch on the impact of some other reforms that we have made to the annual canvass as a result of the secondary legislation that we introduced last autumn, as hon. Members will remember. Certainly the elections team in this room—we see a lot of each other—will be very familiar with what we are doing to reform the annual canvass so that it moves away from a cumbersome

one-size-fits-all paper-based system to a more modern and adaptable model in which registration officers are able to focus their resources where they are most needed and use more modern communication methods, which is convenient for voters as well as a sensible use of resources.

Thanks to the reforms, this year's annual canvass is already allowing EROs to conduct safer and more responsive canvasses than ever before. The canvass still involves a certain amount of paperwork and paper responses, and, where phone calls are impossible, door-knocking still applies if a household has not responded to previous attempts to contact them. The in-person contacts and paper elements are still important in ensuring the completeness and accuracy of our electoral registers and cannot be discounted.

In spite of the impact that covid-19 has had so far, the 2020 annual canvass under the reformed system is successfully and safely under way. The roll-out of the new data matching in the reformed system has been impressive and helpful. I want to put on the record my thanks to all the registration officers who have done that work, and I thank them for their continuing dedication and hard work, despite the challenges.

As I say, there are still in-person and paper elements that need to be considered, given the concerns about the impact of covid-19 on ways of working, so we have been speaking to electoral registration officers to see how they can best be met. A number of options were raised for overcoming that challenge: for example, arguments for cancelling the canvass entirely or for removing the in-person contact entirely could be envisaged. We think that the regulations are the better option, allowing for the completeness and accuracy of registers to continue to be prioritised, but also allowing registration officers the flexibility to complete the overall project as safely as they can, using the various methods that they think necessary, and with two months' additional time in hand.

We have, of course, consulted with others for this, working in close co-operation with the public health agencies in England, Wales and Scotland. We have already issued guidance to electoral registration officers for carrying out a covid-19-secure canvass. My officials at the Cabinet Office are closely monitoring the situation across the country to provide any further non-legislative support that may be needed. Altogether, those actions—in concert with extending the deadline, as the regulations will—give EROs the flexibility and support to deliver the first-class public service that we ask of them for our local areas.

I put on the record that the Electoral Commission, the Association of Electoral Administrators, the Scottish Assessors Association—try saying that one too early in the morning, Mrs Miller—the Local Government Association and the Society of Local Authority Chief Executives have all expressed their support for the legislation. I thank my counterparts in the Scottish and Welsh Governments for their proactive and positive engagement on the issue. They have each brought forward complementary legislation in their legislatures to apply the same delay to the deadline for publication of their local government registers. I think that is a good and welcome example of our Administrations working in partnership on a sensible measure.

To conclude, the instrument will provide the flexibility needed to run a secure canvass without compromising on completeness and accuracy, and will do so in what I hope will be a well-supported manner behind the scenes. I commend the regulations to the Committee.

The Chair: Before I call Cat Smith for the Opposition, I remind the Committee that these are very specific regulations, and speeches should reflect that.

9.32 am

Cat Smith (Lancaster and Fleetwood) (Lab): Thank you, Mrs Miller; it is a pleasure to serve under your chairmanship, and I congratulate you on your appointment to the Panel of Chairs. It is a pleasure to have the Front-Bench election teams back together again.

I want to start by making it clear that the Labour party will not oppose the regulations. We welcome the steps that have been taken to give electoral registration officers flexibility in carrying out the annual canvass and publishing electoral registers. The two-month delay of the final deadline is a reasonable step in the circumstances. I put on the record my thanks to EROs, who do an incredibly difficult and stressful job at the best of times, but in the current context, they are doing an incredibly challenging job in difficult times. Asking them to complete the annual canvass to the usual strict deadline during a global pandemic would, of course, have been entirely unfair. The measures are practical and necessary given the health emergency that we face.

I would urge a slight word of caution: an annual canvass has not been completed since the new reform was brought in, and I have serious concerns and questions about whether that light-touch approach to electoral registration could leave troubling gaps in the electoral register. The changes could jeopardise the primary purpose of the annual canvass, which is to ensure that the electoral register is as accurate and complete as possible.

Of course, we know that there are huge issues with electoral registration: in the region of 9 million eligible voters are incorrectly registered and are denied the chance to vote. Will the Minister outline the action that she has taken to remedy that situation and to address the fact that there is a race disparity between different groups in electoral registration? White people are most likely to be on the register, at 84%. According to the Electoral Reform Society, that can drop to nearly 40% for people from other ethnic backgrounds, and of course, millions could join them in being denied their chance to vote if the Government's voter identity plans come to fruition.

These are all inter-related and vital issues for the integrity of our democracy. I welcome the pragmatic steps taken in this legislation, but there remain some wider trends in electoral registration and participation that the Government must urgently address.

9.35 am

David Linden (Glasgow East) (SNP): It is a great pleasure to serve under your chairmanship, Mrs Miller, and—as other hon. Members have said—to get the gang back together. It does feel like we see quite a lot of each other these days, but I am sure that will change at some point.

The impact of covid-19 on the UK has been vast, impacting almost every facet of our daily lives, but one area that we cannot let this pandemic impact is our democracy. With the 2021 elections looming across these islands, it is vital that EROs have the full support of the Government, and the ability to carry out their annual canvass with as much time as necessary. We know that covid will certainly affect the ability of EROs to conduct the canvass in the usual five-month time frame, as it is still vital that we all follow social distancing measures and covid-19 guidelines. Therefore, precautions must be put in place to ensure that EROs are able to carry out that essential work, so the regulations before the Committee are ones that should be supported. If they are not supported, EROs in England, Scotland and Wales would face prosecution if they did not manage to complete this process by 1 December. When I was looking at the regulations, I did wonder why 1 February was chosen, rather than 1 March. I suspect it is probably to do with some of the other timescales as we head towards the May elections, but if the Minister could place that on the record, that would be very good.

Increased digitalisation will certainly help ensure that this year's annual canvass will be safer and more responsive than ever before. However, each year the canvass involves large amounts of paper responses, alongside officers continuing to call people on the phone and sometimes even door-knocking when a household has not responded to any of the previous attempts to contact them. With EROs still needing to sort through paper responses and answer the phones, it is necessary for them to work socially distanced in an office space. With limited numbers allowed, the work will naturally take longer to complete, so it does strike me that the measure before the Committee is a fair one.

Ultimately, the covid-19 pandemic has caused unmitigated challenges for everybody in the UK; however, we cannot risk letting our democracy become impacted by this pandemic. We have to ensure that EROs are able to complete their canvasses while obeying Government guidelines and observing social distancing. My party therefore supports the regulations before the Committee, and we wish EROs well as they carry on their services to uphold the democracy we all cherish.

9.37 am

Chloe Smith: I thank my Front-Bench counterparts for their remarks. To deal with the simplest of the questions, the 1 February date was chosen instead of 1 March because, as I mentioned earlier, that timetable is already contained in the normal operation of this process. A delay to 1 February is sometimes already familiar to EROs, so we thought it would be most supportive to use a familiar pattern, rather than opting for 1 March. I ought to add that the elections that will occur in May next year will be larger than usual, because of the highly unusual and difficult precaution of delaying the 2020 elections to 2021 in large parts of the country. It is therefore all the more important to be ready for those elections, and I hope that this measure balances the need to be ready for them with the flexibility needed for this year.

I note that the hon. Member for Lancaster and Fleetwood echoed arguments made about canvass reform. I would encourage her to evolve those views, as her colleagues in the Welsh Government have done—they

[Chloe Smith]

have been supportive of our proposals, and indeed worked with us on them for many years, as have counterparts in the Scottish Government. They are supportive because those canvass reform proposals allow precious public resources to be used precisely for those electors who might be least likely to be registered. They allow EROs to seek those people out more than they had been able to do using the previous, more cumbersome methods in the canvass. That is a good thing, and fundamentally answers some of the hon. Lady's other concerns about those who might currently be missing

from the electoral register and ought to be welcomed on to it. Canvass reform helps with that, rather than hinders it, and I hope she will be able to recognise that in due course.

None the less, though, I thank the hon. Lady for her support of this morning's measure. I think we are all agreed that this is a pragmatic measure that commands support, and I therefore commend it to the Committee.

Question put and agreed to.

9.40 am

Committee rose.

