

Subject:	Police Reform and Social Responsibility Bill – conduct of elections		
Date of Meeting:	20 September 2011		
Report of:	Strategic Director, Resources		
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 The Police Reform and Social Responsibility Bill was introduced on 30 November 2010 and is currently progressing through Parliament. The Bill covers five distinct policy areas: police accountability and governance; alcohol licensing; the regulation of protests around Parliament Square; misuse of drugs; and the issue of arrest warrants in respect of private prosecutions for universal jurisdiction offences.
- 1.2 A key area of the Bill is the provision for elections of Police and Crime Commissioners, which would replace police authorities. Despite the Lords' objections, the government are committed to the introduction of these elections, and is planning to introduce them nationally without pilot exercises beforehand.
- 1.3 The Bill has been scrutinised in the House of Commons and the House of Lords, and has been subject to a number of amendments. Because of parliamentary recess and the amount of other legislation to pass, it is now unlikely that the Bill will receive Royal Assent until early October.
- 1.4 It is proposed that the first Police and Crime Commissioner elections will take place on 3 May 2012. A brand new framework will be required to conduct these elections, which will be run on a different electoral system and on new boundaries. This report considers these issues in more detail.

2. RECOMMENDATIONS:

- 2.1 That the Governance Committee notes the content and implications of the Police Reform and Social Responsibility Bill.
- 2.2 That the Governance Committee requests further reports once the Bill is enacted, including specific implications for Brighton & Hove.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 The proposed replacement of police authorities with directly elected Police and Crime Commissioners is aimed at improving police accountability. Police and Crime Commissioners will be responsible for appointing the chief constable of their police force and holding them to account.
- 3.2 Police and Crime Panels will also be established, to advise and scrutinise the Police and Crime Commissioner. The Panel will comprise at least ten members appointed from the local authorities in the police area. As there will be more than ten local authorities in the Sussex police area, it is likely that Brighton & Hove City Council will be represented on the Panel by one of its councillors.
- 3.3 The first elections are proposed to take place on 3 May 2012. The Commissioner will be elected for a four year term and the franchise will be the same as for local elections.
- 3.4 Candidates for the Commissioner elections must be resident in the police area, and be nominated by 100 electors. The following people are included in the list of people who may not stand for election: Members of Parliament, Members of European Parliament, police officers or members of police staff, civil servants, and council employees.
- 3.5 The voting area for the Sussex Police and Crime Commissioner election will include all East Sussex, West Sussex and Brighton & Hove. This is a new electoral boundary, which will require a high level of co-ordination to ensure the success of the elections.
- 3.6 A new electoral system will also be used at the election – the Supplementary Vote system. This is where voters indicate a first preference and second preference against the candidates. How the votes will be counted under this system, considering the breadth of the electoral boundary, will need to be carefully considered and managed.
- 3.7 The framework for delivering these elections is unclear, and Returning Officers for the police areas have yet to be appointed. A Police and Crime Commissioner Elections Panel has now been established including members from the Home Office, Cabinet Office and the Electoral Commission. But the Electoral Commission have argued that there is an urgent need for a framework which will provide overall coordination of the elections. There is also concern about the limited time available to finalise the legislation governing how the elections will be run.
- 3.8 While there is a continuing dialogue between the Home Office and Electoral Commission regarding a national structure for the conduct of the elections, initial discussions are beginning to take place at the local level with the Sussex Police Authority and other Electoral Services in East and West Sussex.

- 3.9 The Returning Officer and his team will make every effort to meet the challenges of this election. As soon as the Bill receives Royal Assent, a project plan will be developed and regularly monitored and reviewed. Resources and support from across the organisation will be necessary, as well as good working relationships with the police authority and other local authorities.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 The Returning Officer and his team will participate in any public awareness activities promoted by central government.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 There are no direct financial implications arising from the recommendation made in this report. It has been confirmed that the election costs will be funded by Central Government, but precise allocations have not yet been provided. A further report, containing detailed financial implications will be reported back at a later date.

Finance Officer Consulted: Mike Bentley Date: 22/08/11

Legal Implications:

- 5.2 Provisions relating to the holding and conduct of elections for police and crime commissioners are set out in chapter 6 of the Bill. Included in these provisions is a power given to the Secretary of State to make regulations conferring functions on police area returning officers and on local returning officers, and to make an order in relation to specific aspects of conducting an election for commissioners. Hence, more detailed provisions affecting the management of these elections can be expected via secondary legislation once the Bill is enacted.
- 5.3 The Bill also provides that each local authority must place the services of its officers at the disposal of the police area of local returning officer.
- 5.4 This report comes before Governance Committee in its capacity as general purposes committee for non-executive functions not delegated to another committee; and is for noting only.

Lawyer Consulted: Oliver Dixon Date: 19/08/11

Equalities Implications:

- 5.5 The project plan will consider how to ensure all electors can participate.

Sustainability Implications:

- 5.6 Project planning will also consider sustainability issues regarding the procurement and use of materials needed for the poll.

Crime & Disorder Implications:

- 5.7 The election will be planned so as to minimise the risk of any disorder at polling places.

Risk and Opportunity Management Implications:

- 5.8 At this stage, there are no implications

Public Health Implications:

- 5.9 There are no implications

Corporate / Citywide Implications:

- 5.10 At this stage, there are no implications

SUPPORTING DOCUMENTATION

Appendices:

None

Documents in Members' Rooms

None

Background Documents

1. Latest version of Bill - <http://services.parliament.uk/bills/2010-11/policereformandsocialresponsibility.html>