

Preparing for the P(F)CC Elections 2020

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Police Governance Reform: Where did it begin?

The Coalition Programme
of May 2010 (page 13):

We will introduce measures to make the police more accountable through oversight by a directly elected individual, who will be subject to strict checks and balances by locally elected representatives.



Police Governance Reform: How was it implemented?



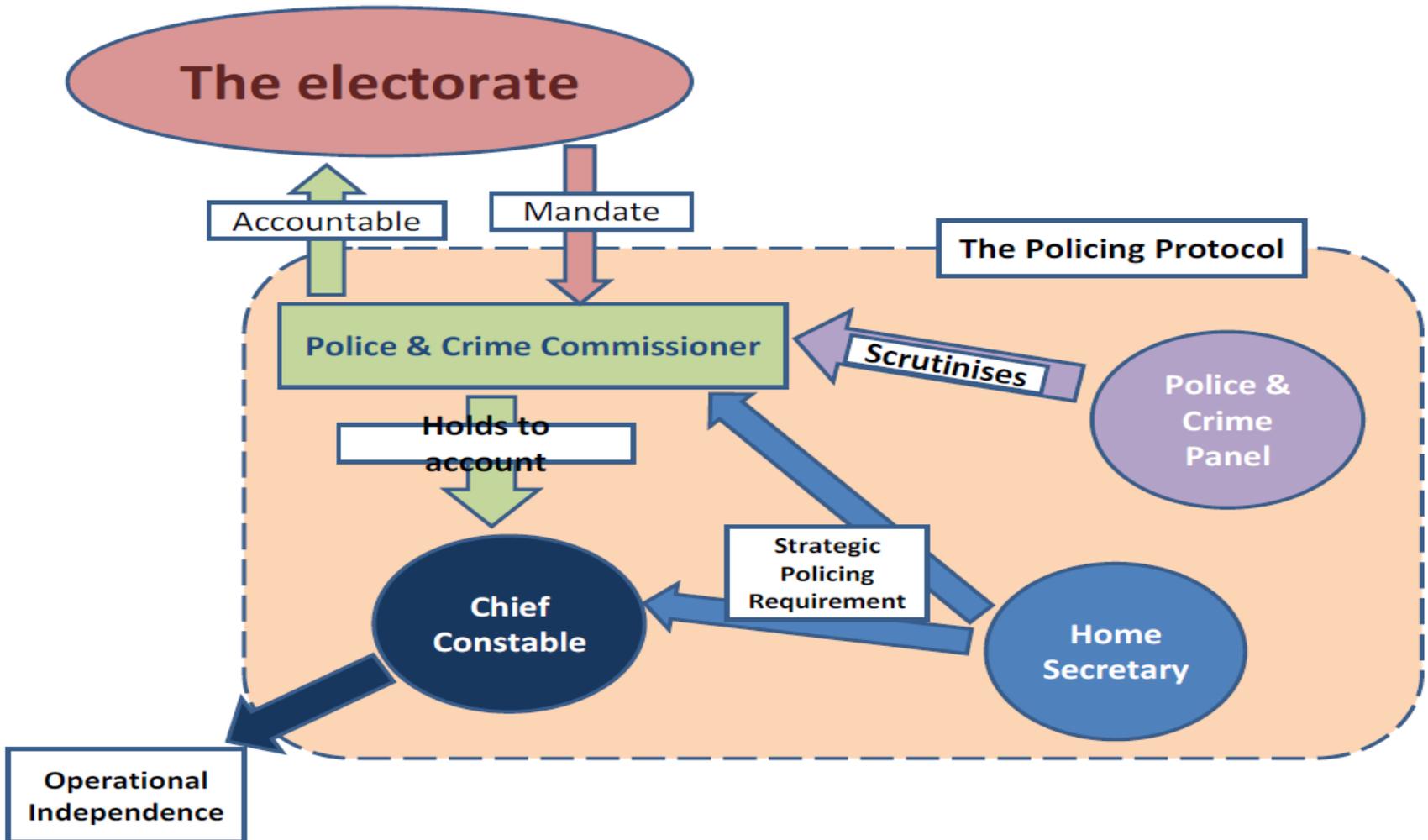
By the *Police Reform and Social Responsibility Act 2011*. Its joint-authors were:

Theresa May, Home Secretary in the Coalition Government;
and

Gordon Wasserman, her principal advisor on Police and Crime policy.



The PRSRA Scheme



How does a P(F)CC obtain their mandate?

- ✓ By a process of democratic election across each Police Area every four years.
- ✓ The Election is conducted by the Supplementary Vote system.
- ✓ Though firmly in the Local Government sphere (the Commissioner is classified in Law as “an elected local government body”) the election of PCCs exhibits several unusual features.
- ✓ The next PCC Election, the third since the inception of the system, is on 7th May 2020.
- ✓ The same election process applies to those PCCs who are now Fire & Rescue Authorities under the Policing & Crime Act 2017.

P(F)CC Elections:

Qualification of Candidates - 1

- ✓ A candidate for Commissioner must be 18 years of age and a registered local government elector in the Police Area in question.
- ✓ He or she must be a British or Irish citizen, a Commonwealth citizen with a right of residence or a citizen of any member country of the European Union (subject to Brexit).
- ✓ A sitting MP or MEP cannot be a PCC but being a serving local councillor is not a disqualification.
- ✓ But a member of the House of Lords is not disqualified.
- ✓ Standing as a candidate for PCC in more than one Police Area is prohibited.

P(F)CC Elections:

Qualification of Candidates - 2

The PRSRA contains a list of other disqualifications, eg:

- ✓ conviction for any imprisonable offence;
- ✓ conviction for corrupt or illegal electoral practices;
- ✓ serving as a police officer (including a Special Constable);
- ✓ employment in the Civil or Judicial Services;
- ✓ serving in the armed forces of the Crown;
- ✓ employment in Local Government (but this does not apply to teachers);
- ✓ employment by an OP(F)CC or as civilian police staff; or
- ✓ being subject to a bankruptcy restriction order.

P(F)CC Elections:

Nomination of Candidates - 1

- ❖ Every nomination requires a proposer and a seconder.**
- ❖ For elections to District, County and Unitary Councils and to Parliament, in addition the signatures of eight Assentors are required.**
- ❖ But for the election of P(F)CCs, ninety eight Assentors are required - a total of 100 different signatures.**
- ❖ Only registered electors with the requisite franchise to vote in the election may nominate.**

P(F)CC Elections: Nomination of Candidates - 2

- ❖ For Parliamentary and P(F)CC Elections, the nomination is not valid unless accompanied by a deposit in cash (or its equivalent).**
- ❖ For elections to Parliament, a deposit of £500 is required.**
- ❖ But for the election of P(F)CCs, a deposit of £5000 is required.**
- ❖ Candidates who achieve 5% of the votes cast will have their deposit refunded.**

P(F)CC Elections:

Nomination of Candidates - 3

- ❖ For all except Parish elections, the Candidate may appoint an Agent.**
- ❖ If the candidate fails to appoint an Agent, the legal responsibilities of that post revert to the Candidate.**
- ❖ The Agent is responsible in Law for filing the Election Expenses Return.**
- ❖ This is the mechanism by which the content and extent of a Candidate's campaign are controlled - by the actual or deemed value of all campaigning material published and facilities used.**

P(F)CC Elections:

Nomination of Candidates - 4

- ❖ On their Nomination Paper, each candidate may use a *Description* of not more than six words.
- ❖ That *Description* must either be a registered description of a registered Political Party, the word “Independent” or be left blank.
- ❖ Any description that is misleading or is likely to cause confusion will be disallowed.
- ❖ To use a registered description, the candidate must have a certificate of authority given by a designated official of the relevant registered Party.
- ❖ A candidate with such a certificate can request that an emblem registered to that Party appears against his name on the Ballot paper.
- ❖ The description and the emblem will appear against the candidate’s name on the Ballot Paper.

P(F)CC Elections:

Nomination of Candidates - 5

- ❖ On the Nomination Paper, the candidate may indicate a “Common Forename” and/or “Common Surname” by which they may prefer to be identified.
- ❖ Thus “Janet Megan Smith-Brown” could prefer to use “Jan” or “Meg” as her only forename if that is the one by which she is usually known.
- ❖ But strictly it is not permitted to be called just by one of your forenames and/or surnames, eg: in the example above “Janet Brown” or “Megan Smith” would not be permitted.
- ❖ The Home Address Form must also be lodged. This allows the candidate to withhold their home address from publication and instead merely to identify the local authority area where he or she resides.

P(F)CC Elections: Some Registered Party Emblems



P(F)CC Elections: the Campaign

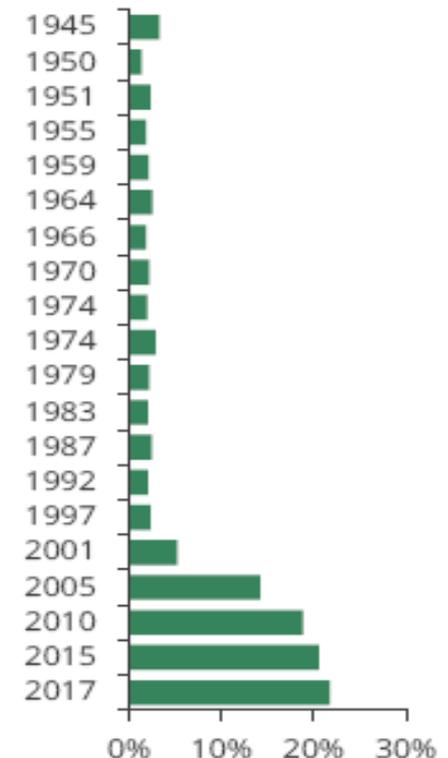
- ¶ Historically, P(F)CC elections have seen very low turnouts. For a General Election, the turnout is typically 70%, for local government 30% - 40% but for PCC elections the average has yet to break 20%.
- ¶ One factor in this is that there is no per elector freepost communication in P(F)CC elections. These are only available for Parliamentary and, hitherto, European elections.
- ¶ This puts a premium on party organisation - money, manpower and intelligence.
- ¶ All parties direct their campaigns to increasing differential turnout - that proportionately more of their supporters turn out than their opponents.
- ¶ Postal votes are a principal factor in increasing differential turnout. All the major parties give this particular attention.

P(F)CC Elections: the growing importance of Postal Votes

4. POSTAL BALLOT PAPERS IN UK ELECTIONS

	Number of postal ballot papers issued	Covering envelopes returned before close of poll	Postal votes included in count		Postal votes as % of total valid votes
			Number	% of all postal ballot papers issued	
1945	1,219,519	1,032,688	1,018,329	83.5%	3.9%
1950	507,717	478,038	466,347	91.9%	1.6%
1951	831,877	756,967	742,574	89.3%	2.5%
1955	595,000	526,904	515,593	86.7%	1.9%
1959	692,827	612,231	598,559	86.4%	2.1%
1964	818,901	723,927	707,636	86.4%	2.5%
1966	617,481	528,006	513,041	83.1%	1.8%
1970	731,249	639,674	625,355	85.5%	2.2%
1974 Feb	743,441	645,080	628,907	84.6%	2.0%
1974 Oct	1,075,131	875,324	850,105	79.1%	2.8%
1979	847,335	714,892	691,969	81.7%	2.2%
1983	757,604	643,634	623,554	82.3%	2.0%
1987	947,948	818,349	793,062	83.7%	2.4%
1992	835,074	714,895	692,139	82.9%	2.0%
1997	937,205	764,366	738,614	78.8%	2.3%
2001	1,758,055	1,402,073	1,402,073	79.8%	5.0%
2005	5,362,501	4,110,039	3,963,792	73.9%	12.7%
2010	6,996,006	5,818,853	5,596,865	80.0%	18.8%
2015	7,592,735	6,516,228	6,302,073	83.0%	20.5%
2017	8,412,060	7,155,315	6,986,581	83.1%	21.7%

POSTAL VOTES AT UK GENERAL ELECTIONS



Sources:

1. Colin Rallings and Michael Thrasher, *British Electoral Facts 1832-2006*
2. Electoral Commission

P(F)CC Elections: the Imprint

- Every item of written material used to promote a candidate, their Party or their cause or to attack an opponent, their Party or their cause, must contain an Imprint.
- The Imprint must comprise:
 - the name and address of the promoter;
 - the identity and address of that on behalf of which the item is published; and
 - the name and address of the printer.
- The purpose of the Imprint is to identify to whom and at which address complaints and legal process should be directed.
- The Imprint is required for leaflets, window bills, calling cards, posters and letters; it is also required on websites, newspaper and internet advertising and on a Facebook page but it is not required on individual posts or tweets.
- The Printer's name and address is not required for Social Media material.

P(F)CC Elections: Some Campaign dos and don'ts

- X** It is a serious criminal offence for one candidate to make an untruthful statement about the character or career achievements of an opponent.
- X** Party workers must not offer to handle absent voter applications but if requested can do so but only if the application reaches the Registration Officer within 24 hours.
- X** Treating, providing voters with refreshment or entertainment, is strictly prohibited.
- X** On Polling Day tellers can request voters' polling numbers as they enter or leave the polling station but must not in any way seek to influence how votes are cast.
- X** Personation, someone impersonating a voter to exercise their vote, is fortunately rare in UK elections. If it does occur, it is punished severely.

P(F)CC Elections: Purdah- 1

- ❑ Purdah (*pardah*, “veil or curtain”, Urdu and Persian) came into the English language with that original meaning in the early-19th century.
- ❑ It is now used to describe a period in the run-up to an election during which the relationship between public servants (eg: civil servants, local government officers, NHS staff and OP(F)CC staff) and elected members, candidates and political parties must be seen to be at arm’s length.
- ❑ Broadly, Purdah runs for the “regulated period” in local government and PC(F)C elections and for the “short campaign” period for Parliamentary elections.

P(F)CC Elections: Purdah- 2

- ❑ Purdah applies throughout the Public Service; it applies to all branches, not just that to which the immediate election relates.
- ❑ There is no definitive definition of what Purdah comprises and for what period it applies. There are variant approaches between and within branches of the Public Service.
- ❑ Examples where Purdah applies:
 - ❑ photo-opportunities, eg: “cutting the first sod” of a new public building or opening a new road, cannot include elected members;
 - ❑ public pronouncements which might usually be by an elected member will be by a senior official;
 - ❑ electronic newsletters and Authority newspapers distributed to householders will be scheduled to appear outside the Purdah period;
 - ❑ though administrative issues (whether routine or urgent) will have to be dealt with as they occur and elected members consulted as usual, no policy initiatives can be announced or implemented.

P(F)CC Elections: The Count - 1

- The Counts are held on a District (not on a Parliamentary Constituency) basis.
- The local results are reported to the Police Area Returning Officer where the Central Calculation of the Police Area-wide result will be collated.
- Each District Count has a Local Returning Officer.
- In some Districts other elections may be taking place. It is also possible that a General Election or a referendum may take place on the same day. These could have an unpredictable effect on turnout and on the PCC result.

P(F)CC Elections: The Count - 2

- In each Count, the first stage is Verification when the number of ballots in a given ballot box is checked against the number issued.
- The Verification of postal ballots will have taken place separately on the same principle.
- In each case, the checked ballots will be put into mixed bundles. They will then be sealed and stored securely pending the Count.
- The next stage will be to mix ballots from at least two boxes (including postal votes) and then proceed to sort the first preference votes into separate piles for each candidate.
- Any bad or doubtful ballots will be set aside for adjudication. Those allowed will be included, those disallowed will be rejected.

P(F)CC Elections: The Count - 3

- If across the Police Area no candidate achieves 50%+1 of the valid votes in the first count, the second preferences come into play.
- The first stage of the Second Count is to set aside the ballots for the top two candidates. These will not be counted again.
- Then the ballots for the eliminated candidates will be sorted into four piles according to the second preferences:
 - one for each of the top two candidates;
 - a third where the second preference is for an eliminated candidate; and
 - a fourth where no second preference is marked or where the second preference is bad or doubtful.
- The piles of sorted second preferences are put into bundles, the doubtful second preferences that have been allowed are added and the combined result of the first and second preferences ascertained.

P(F)CC Elections: The Count - 4

- Recounts are at the discretion of the Police Area or Local Returning Officer.
- Only the Agent or the Senior Counting Agent designated for a District Count may request a recount.
- There are two types of recount:
 - A Bundle Check, where the bundles are checked to ensure that they are all for the same candidate; or
 - A Full Recount, where the whole Count is repeated.

P(F)CC Elections: The Count - 5

- Voters do not have to give a second preference, but if they fail to give a first preference any second preference is disallowed.
- If a voter gives both of their preferences for the same candidate, the first preference will be good if otherwise in order. If the preferred candidate is not eliminated, the second preference will be superfluous. If that candidate is eliminated, the second preference will be invalid.
- In respect of any ballot paper:
 - ☒ on which votes are given for two or more candidates; or
 - ☒ where there is anything except the official mark on the reverse indicating the identity of the voter; or
 - ☒ which is unmarked or void for uncertainty:
the vote on that ballot will be disallowed.

P(F)CC Elections: The Count - 6

However, in respect of a ballot paper where the vote is marked:

- otherwise than in the proper place; or
- otherwise than by means of a cross; or
- by more than one mark:

the vote(s) on that ballot shall be allowed but only if:

- ☺ the voter's intention is clear; and
- ☺ the voter cannot be identified by the way the ballot paper has been marked.

*Thank you for your
interest and attention*

**Any
Questions?**