



HOUSE OF LORDS

Select Committee on the Electoral Registration and Administration Act 2013

Corrected oral evidence: Electoral Registration and Administration Act 2013

Tuesday 23 July 2019

4.30 pm

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Members present: Lord Shutt of Greetland (The Chairman); Lord Campbell-Savours; Baroness Eaton; Lord Hayward; Lord Janvrin; Lord Lexden; Baroness Mallalieu; Baroness Pidding; Baroness Suttie; Lord Wills.

Evidence Session No. 3

Heard in Public

Questions 31 - 44

Witness

I: The Rt Hon. the Lord Pickles.

Examination of witness

Lord Pickles.

Q31 **The Chairman:** Welcome, my Lord. I have a formal thing to read to you. We welcome you to this evidence session of the Select Committee on the Electoral Registration and Administration Act 2013. You have in front of you a list of interests that have been declared by members of the Committee. The meeting is being broadcast live via the parliamentary website. A transcript of the meeting will be taken and published on the Committee website. You will have the opportunity to make corrections to that transcript where necessary.

We have started only very recently. We are at the beginning of this exercise. In the light of your experience, what is your advice for the Committee as it begins its inquiry on the Electoral Registration and Administration Act?

Lord Pickles: Thank you very much, Chairman, for this opportunity to address you. My advice would be this. Ours is a system, to misquote John Major, of warm beer and old maids cycling to evensong. It is largely built on trust. It is largely built on thinking, "This is how we have always done it and we do not really need to change it very much". It is ripe for the taking. Our experience of elections, depending on where we come from, tends to be our experience of student union elections, elections to the Association of District Councils or the like, where people are elected and we elect a slate. My concern is that this is about power. It is about raw power.

I have just finished reading Robert Caro's four-volume biography of Lyndon Johnson. I think of all the corruption that got Lyndon Johnson into office, of the corruption along the Pedernales valley, of ballot box 13 where, after the election had closed, electors lined up alphabetically in order to be ticked off. We do not have any of that kind of problem, but what motivated Mr Johnson in the 1940s is what motivates us now.

It is not about Parliament. I understand there are some questions over the Peterborough by-election. I do not know enough about it to comment. My view is that, by and large, the kind of corruption or fraud we see is not sufficient to overtake a parliamentary election, but it is sufficient to take over a district, city or county council. With ruthless efficiency, by the taking of three or four wards, you can effectively control a council. A council is worth billions of pounds. Even the most modest council is worth lots of money in procurement, contracts and being able to reward your friends.

To vote at an election requires much less identification than it would require for you to go round to your local post office and pick up a copy of Mr Caro's book, sent to you by Amazon. That is not a happy place to be. The advice I give you is to be utterly ruthless and determine what you want to achieve. There are the bare bones here, should you so desire, of bringing in a reform of voting that would make us much safer.

Could I say one final thing? I thought the last gentleman was fascinating. I had similar kinds of people talk to me during my report. They are lovely people and, I have to say, they seek perfection. I would eschew perfection. If you want to do something about fraud, just apply the Amazon test. Things will change, but do not try to get an all-singing, all-dancing ID card with this check and that check. All you really want is to make personation that bit more difficult. I managed to obtain a copy of the evaluation of pilots. I have only just managed to get it, so I have read it very quickly, but it is pretty clear from this that ID offers a degree of reassurance to the voters. Forgive me; I went on a long time, but I promise all answers now will be really sharp.

The Chairman: You said “could” when you were talking about elections that had taken place. How many people do you think have been elected who ought not to have been?

Lord Pickles: How long is a piece of string? In a way, that is not the point. How many people have walked off from Ingatestone post office with parcels they should not have had? All I am seeking is to make the system a lot more closed. In a way, I appreciate the question. This is basically the question: “We do not need to do anything. Let us get back on the bike. Let us drink a few pints of warm ale. We do not need to do anything”. I do not think that is the case.

Is it a big problem? Is it a massive problem? No, of course it is not, but it has the potential. That is why we have seen so much litigation in elections in the last few years. Election petition was a rarity when I first started. I have had 50 years of experience of banging on doors and I suspect that, looking around the room, most of you have much less than that, or so I readily understand. It is about making it safer, and it is not about perfection.

The Chairman: I was only trying to quantify it.

Lord Pickles: That is perfectly all right.

Q32 **Lord Lexden:** How have the Government been getting on since you submitted your report?

Lord Pickles: They are in a miasma of Brexit that has prevented them moving forward on a lot of things. We should not blame the Government for that, because we are all in a miasma of Brexit. Because I am a cheerful chappy and I have talked to a lot of people, I know there is a draft Bill there and I know they will be making a bid. We have a new Prime Minister, so I think we are going to have a new Queen’s Speech. It will make a lot of sense if you at least issue some preliminary suggestions, supposing you want to go along with this. This is long overdue. I know they want to do it.

They have done the pilots, but it is a four-pronged approach. Quite a lot of the stuff I want to do relates to guidelines. Quite a lot relates to training, particularly the police, and to a combination of primary and secondary legislation. As everyone round this table knows, the secret is

to try to ensure that you marry those things together when you produce your action plan.

Q33 Lord Hayward: You identified a series of different issues relating to fraudulent elections. How close is the relationship between electoral registration and fraud? Has IER been successful in tackling fraud?

Lord Pickles: Yes, it has been helpful. The idea of automatic registration is fraught with problems, not least of which is that we have a very large population now who would not be entitled to vote in elections because they are not UK citizens. It has helped cut down on these mysterious ghosts that appear on the register just before an election and then mysteriously disappear. It has not helped on things like carousel fraud and postal vote warehousing. It has helped where somebody assumes someone else's identity, or registers at an address to which they have no connection whatsoever.

Lord Hayward: Could you clarify what you mean by carousel fraud, please?

Lord Pickles: You are a naive bunch, are you not? This is how it works. You get a ballot paper, which is usually a postal ballot. You fill that in. You send it in with somebody, who puts that into the ballot and then brings out a fresh ballot paper, which you then fill in and send in another person to vote, who brings out a fresh ballot paper. That way you control what is happening. Another way to control it is to get loyalty pledges. You photograph your ballot paper. It is a common practice to demonstrate that you are voting. That kind of thing is not going to be affected by individual registration, but individual registration is a good thing.

You cannot really criticise it. I am going from memory here, but I think the last turnaround of the register was 46.9 million, just short of 47 million, the largest we have ever had, so you cannot say it has in any way diminished the numbers.

Q34 Lord Wills: There are many good reasons for bringing in individual registration. The Government chose to focus on fraud as a key driver for this piece of legislation. Given your magisterial report on voter fraud and the great number of recommendations you have for tackling it, might it have been advisable for the Government to have commissioned your report before this bit of legislation?

Lord Pickles: Well, what could I say? If the Government had asked me and you, we probably could have sorted these things out better. To tell you the truth, I took on the role of anti-corruption champion, as I think it was called, but I wanted to do this. I was largely affected by what I saw in Tower Hamlets, I will confess. Tower Hamlets is not typical of local government by any stretch of the imagination, but what I saw in Tower Hamlets made me think this was possibly the future. We have seen traces of it in other councils around the country. We need to nip it in the bud.

As I say, I have just been reading this. I do not know whether people have a copy of the evaluation. If you turn to page 14, the sixth paragraph down says, "Within the photographic ID model ethnic minorities are more likely to believe that polling stations are free from fraud and abuse ... versus model average". It adds to the confidence the elector has about the process. If people think you can suddenly produce all these ballots virtually out of thin air, it undermines the system.

Lord Wills: With respect, these problems were well known before you were so shocked by what happened in Tower Hamlets, as everybody was. The recommendations made during the passage of the Act were for such things as voter ID, which is obviously very desirable. I wonder why you think the Government rushed ahead with this legislation, rather than commissioning an invaluable report, which is going to inform all sorts of things going forward. Would it not have been better to do it before the legislation so it could have all been swept up in this landmark Bill?

Lord Pickles: You make a very important point. I spent five years in government, and to get government co-ordinated and doing the same thing together is a very difficult task.

Q35 **Lord Campbell-Savours:** Can I pursue you on the Tower Hamlets case? We have a visitor to our proceedings today who was party to that case, Mr Andy Erlam.

Lord Pickles: I know him very well.

Lord Campbell-Savours: He took an election petition against Lutfur Rahman and his associate councillor, Alibor Choudhury. He won the case in what was described as the longest trial of the election court in English history. In his view, his experience showed that the election law relating to voter fraud is unworkable. He says that shortly after the court victory Mr Rahman declared himself bankrupt and he has paid only just over £90,000 net of the legal costs awarded in favour of the petitioners. He says, "Although we won the case, I and my fellow petitioners have been left with a legal bill of about £1.26 million. Although we were commended by the trial judge, awarded full costs and warmly congratulated by government Ministers at the time, including the Defence Secretary of State, Sir Eric, now Lord, Pickles, the Government has turned its back on the petitioners". He says the Government argued that their case was a private prosecution in which the Government were not a party, and that they do not want to create a precedent.

This gentleman and his colleagues were acting in the public interest and it has cost them over £1 million. They could, I understand, be pursued for the money that has not currently been paid. Is there not an argument, in circumstances where people win a case and are so confident that they are going to win a case, that compensation should be paid where, in very rare circumstances, petitioners lay themselves on the line, very courageously, in taking the action that they do?

Mr Erlam has been financially embarrassed by all this, but he believed, as

a matter of principle, he should pursue it. I wonder whether now, on reflection, insofar as these cases are very rare, you think the Government should show some flexibility and may even consider a new approach to these matters in the future. I am sorry to make it rather long, but it is a very important case.

Lord Pickles: It is a very reasonable question. Towards the end of my report, I make a number of recommendations with regard to the electoral court, the burden of proof and various other things. Lord Campbell-Savours, I am not going to beat about the bush. My view now is the same as it was when in office, which is that the Government should have paid. The Government should have coughed up. The Government owe these people an enormous debt. It is because of the antiquated, useless system, which is frankly designed to prevent these things happening because the costs are enormous. They did a great public service. I lost that argument in government, but it remains my firm view that this injustice should be taken care of. I think there is a Private Member's Bill being circulated, in order to get it laid. I am slightly freer in what I can say and less bound by collective responsibility, but it was my view at the time.

Lord Campbell-Savours: Should this be a recommendation for us to make in our report?

Lord Pickles: Yes.

Lord Campbell-Savours: I wonder if I could ask you one other little thing.

Lord Pickles: It is a great thing to be out of office. You can say what you like.

Lord Campbell-Savours: Can I say how very impressive I regard your report as being? It is an excellent report and has been of great interest to me in reading it. Paragraph 38 of the response says, "We note that Sir Eric has suggested piloting one or more options in specific areas where there is a higher risk of electoral fraud allegations as a possible initial step, using provisions in Section 10 of the Representation of the People Act 2000". In other words, you were prepared to single out certain parts of the country for what I might call special treatment.

Lord Pickles: Yes. We were talking about the 2015 election. I was thinking specifically about Tower Hamlets and another area. I was seeking to ensure that, on election day, things ran properly, that we minimised the level of intimidation, that we made sure there was a proper cordon sanitaire. We need to think about the kinds of places we vote, which generally have a couple of old dears ticking off numbers, so it is rather pleasant, but imagine you have to go through an enormous corridor of young men shouting at you, or, at the count, people are leaning across, shouting at the returning officer and the invigilator.

I thought the previous person who gave evidence made a very good point. Junior officials are subject to intimidation. That is why the person in charge should be a person of enormous responsibility and power, in order to enforce the rules. Yes, I was prepared to do that as an interim measure. Although I was retiring and a bit demob happy, my recollection was that those things were put in place and it was a much smoother process.

Lord Campbell-Savours: I have one final question. I am sorry; I do not want to be politically incorrect in this. We are talking about areas with large ethnic minority populations. That is the reality. I want to ask you a question that takes us back to the origins of this whole legislation. Would it not have been better, when we think back now, to have kept the old household registration system and concentrated the resource we had available on targeting areas where there was a real problem, which you yourself have identified in your report? Would that not have been better, in retrospect?

Lord Pickles: A thought is a thought. It is really important that young girls should not be reliant upon their father filling in the form in order to get the vote. It is really important to establish that this is a massively important civic thing. Go back to page 14 on this. We need to reassure and re-establish. It can happen in any community. We need to demonstrate that, whether you are in Chelsea, and white and posh, or in Manningham in Bradford, your vote counts, not your family vote but your vote, and you decide, not your dad, not your mother, not some community leader, but you. That is why it is so important.

Q36 **Baroness Pidding:** In your opinion, when it comes to electoral registration, have the Government been overzealous in focusing on accuracy over completeness?

Lord Pickles: No, because of what I have just said. Your vote is massively important. We had people on the register who should not be there, who were dead, who were, as I talked about, ghosts, or who had simply moved away. If you have something that is not accurate, you cannot trust it. For the kind of places you and I represent, or I used to represent, it does not matter that much, but it matters in some parts of the country where it is really tight.

Q37 **Lord Wills:** I would like to pursue this. Both accuracy and completeness are crucially important, but the worry about this legislation at the time was that, in pursuing one desirable objective, you damage the other. To take you back to your opening remarks about this all being about power, as you know, both Labour and Conservatives feel strongly that how you approach this affects their electoral chances. The Conservatives feel very strongly that having unequal boundaries, for example, prejudiced their chances. Labour believes that, if you go for accuracy of the register, you will exclude large numbers of voters who would otherwise vote Labour.

I make no comment about the validity of these arguments, but you will be aware that they were very common during the passage of this

legislation.

Do you think there is any relationship within government, in considering this legislation, with the work that was going on at the time—I do not know if it came to fruition, as it so happens—on equalising the boundaries of constituencies? These two measures could work together to produce an outcome.

Lord Pickles: Nobody asked me to put in anything. The words are my own. This is what I think. The equalisation of boundaries is not something I gave even the slightest thought to. I do not really care whether, in the system, there are votes at 16, electronic votes or a single transferable vote. Whatever the system is, I want it to be secure.

There is another factor as to why people are concerned about the numbers, because the numbers count when it comes to government grant. They make a very big difference to the amounts. I had chief executives saying, "Oh my goodness me, what are we going to do if we have the numbers that we really have, rather than the numbers that we claim? We are going to get less grant".

In truth, it is relatively easy to sort out. If there is a lower number, you just adjust the multiplier. There are all kinds of fears in this. Local government worried that somehow, if we went to individual registration, the numbers would go down. The figure I found, which I have just quoted, is 46.9 million. We have never had a larger electorate. If this was putting the numbers down, you would have thought you would have seen something, but you have not. We have seen exactly the reverse.

Q38 **Lord Campbell-Savours:** Your report made recommendations about verification of registered addresses, registration at more than one address, provision of previous address, verification of nationality and provision of registration information to law enforcement. Do you feel there has been any improvement in these areas since your report was produced, or could more be done?

Lord Pickles: There is some discretion there, but it awaits you good folks. It awaits you coming to a view on this. It would require secondary legislation to do that. Correct me if I am wrong, but there is a limited number of questions that a returning officer or someone acting on his behalf can ask. I suspect Lord Hayward probably knows better than I do. I think what I have just said is right.

Lord Hayward: Yes.

Lord Pickles: The Government have done the pilots, which is wonderful and I appreciate that, and I would not have expected them to charge into this without doing the pilots. You could say, "Why have they not issued the guidelines?" You cannot do the guidelines until you do the primary legislation. You cannot do the secondary legislation, probably, until you have the framework of what the primary legislation is going to be.

Lord Campbell-Savours: Do we ever prosecute people for voting twice

in a general election?

Lord Pickles: I think it would be extraordinarily rare. I cannot think that has happened of late. That is another question about general enforcement at the moment. Most people regard this as not very serious. The police would not regard it as being very serious. You see the bobby outside the polling station, but their mindset is very much one of public disorder, rather than ensuring a smooth and easy transition. I suppose what I am trying to do is not prosecute people, but just make sure we do not get them into that position where they face a possible prosecution.

Lord Campbell-Savours: If people have a second home, it is a great temptation for them, is it not?

Lord Pickles: Yes, absolutely. We have just had the election of Mr Johnson. In our membership some members got more than one ballot. We are not going to prosecute them for getting more than one ballot, but if they vote twice we will throw them out, and we hope that is sufficient to prevent them voting twice.

Q39 **Baroness Eaton:** Are further steps necessary to improve the integrity of the electoral registers, in both completeness and accuracy? What reforms do you think those could be?

Lord Pickles: I laid a whole load of stuff down, with regard to checking and registration, and in trying to make the process better. It is not just the register. It is how you use the register and ensure the election is conducted in a fair and open way. We are all involved in politics. We cannot vote in the general election ourselves, but we have been involved for a long time. I quite like turning up and voting. It is great. It is all part of our democratic process, but we are not normal. Most people do not care one way or the other. I am always quite surprised that anybody turns up. To persuade people to turn up, you have to feel the thing is absolutely safe.

Q40 **Lord Campbell-Savours:** While the Electoral Commission and others have supported your recommendation to introduce voter ID at polling stations, others have expressed concern about the impact that will have on disenfranchising voters and reducing voter turnout. How do you respond to those concerns? I have in mind a rather flippant comment you made earlier on, in reference to ID cards. You are very passionate about ID in polling stations, yet I am having difficulty understanding why you are so passionately opposed to the introduction of ID cards.

Lord Pickles: I am quite shocked that you thought I was being flippant. I was being absolutely deadly serious. On the general turnout, with the use of photo ID, this shows there is not a problem, in all kinds of ways. My point about ID cards is this: do not go there. If you go there, it will not happen, because it is very complicated. See it in terms of the level of security you give to a parcel coming out of the Post Office. It might not be ideal. Things are changing. Photo ID is changing. I went to America. You can get a passport now on your iPhone. Things are moving so quickly. The pilots have shown it is possible to find something for

somebody who does not have it, but I would be quite happy for someone to turn up with an electricity bill or a water bill as demonstration. You just need to have it at such a level that it is difficult and puts people off.

Lord Campbell-Savours: Can I put it to you that there are families where the husband dominates and the wife has very little power? She may find it very difficult in those conditions to produce the sort of identity documentation you are referring to. There are families like that.

Lord Pickles: I put it to you that this shows it is possible for us to produce something.

Lord Campbell-Savours: Those people may be disenfranchised.

Lord Pickles: I put it to you that that has not been the case. I also put it to you that, coming out of this, the system is more respected than it was. Are there going to be controlling men? I am afraid there are going to be controlling men, but part of the process of individual voter registration is to say, "It is your vote". If you had automatic registration, it would not in any way diminish that controlling man.

Q41 **Lord Hayward:** Can I pick up on something Lord Campbell-Savours asked earlier on? That is the Tower Hamlets case, Andy Erlam and his colleagues. As you identified, it was one of the spurs to your inquiry. Having looked at it, do you think either the police or the CPS was at fault and that is the reason the individuals had to make the prosecutions, rather than some other organisation, whether it be the local authority or even the Department with responsibility for local government?

Lord Pickles: The short answer to that is "yes". The longer answer is "yes, definitely". I do not think the police took it very seriously at all. I put in commissioners, and it was not universal advice to do that, but in the end I decided. I can tell you exactly the moment, and it is always the small things. I am pretty sure it was PricewaterhouseCoopers. If it was not, I apologise to whoever it was. It did a report on the grant giving in wards. I looked at this grant giving, and then I put over the top of it a map that showed the poverty in individual wards, and there was no correlation. Then I found that people were given money without a business plan, that councillors were changing the recommendations of the officers, and I thought something was wrong. That is why I put the commissioners in, and I honestly do not regret it. You had him before and it is going to go full circle.

Q42 **Lord Wills:** I want to return to this point about discouraging voters. There are many reasons why some people might find it difficult to produce voter ID, and not just the ones Lord Campbell-Savours has mentioned. There are still, sadly, a large number of functionally illiterate people in our society. There are people who are still very suspicious of the state, perhaps more so now, and anything that gives them a digital identity that the state controls. There are many reasons that people might be reluctant. I wonder if you could give us any indication of how seriously you take this discouragement. I know the pilots have reported

and I would like to see a bit more evidence than I have yet been able to see about the nature of those pilots. I wonder if you could tell us why you seem to be quite insouciant about the discouragement to voters.

Lord Pickles: There are some people who do not want to be on the register at all. As you know, we have made reforms to ensure that people who have suffered from domestic violence do not need to appear on the register so their abusive spouse cannot find them. That is important. It goes back to the point I made to begin with, where Lord Campbell-Savours thought I was being flippant: do not look for perfection. I would be quite happy for non-photo ID. I would be quite happy for the same level that it takes to get a book out of the library or a parcel out of Budgens or the post office.

The nature of photo ID is different from what it was even when I wrote this report. Things have moved on enormously. When you get a chance to read this in greater detail, you will see that councils have found a way to offer that to people. You will see that it has not reduced the turnout at elections.

I do not want to reduce the turnout at elections. I do not want to place any barrier in the way of getting people to vote. I genuinely do not, but I want us to have confidence in our electoral system. Right now, we are a bit of a laughing stock. International observers think it is ridiculous that we do not have some kind of ID. The Electoral Commission will think we are just slightly kooky for not going this way, but it wants a bells-and-whistles thing. You must avoid bells, whistles and everything. Just make it difficult, but do not make it impossible.

Lord Wills: I do not want to put words into your mouth, but is your case essentially that, if there were to be discouragement of voters, and I think we all can see there might be some, that would be a price worth paying in return for greater confidence?

Lord Pickles: That is putting words into my mouth. No, I am not saying that. I am saying it is not beyond the wit of electoral officials to find a way to ensure that nobody who wants to vote is prevented from voting for lack of identification.

Q43 **Baroness Suttie:** Since your report was published, have there been any other significant developments that you believe have had an impact, positive or negative, on efforts to tackle electoral fraud?

Lord Pickles: Yes, there are enormous differences: dark money, shell companies, bots, the whole thing of targeting people through social media. It is the wild west and we are looking to you, esteemed colleagues, to address this. Yes, a lot has changed in a relatively short time. Chairman, as we say in the part of the world we both come from, a wrong'un is still a wrong'un, even if what it is trying to do is a bit fancy.

Q44 **Lord Campbell-Savours:** I wonder if I can ask you about postal voting. In your report, you deal with postal voting at length and you obviously have concerns about how it operates. Could you give us a brief résumé of

your views on what is wrong with the postal voting system at the moment?

Lord Pickles: You have to come to a decision on whether we have postal voting on demand. The same amount of protection that exists for your vote in a polling station does not exist for a postal vote. Then, if you see, I make recommendations to do that. I have seen some terrible examples of voting warehousing, of cars being stopped with packet upon packet of completed postal votes, of returning officers telling me—this was not Tower Hamlets, but it was a London borough—that at 7 pm on polling night somebody turned up with a box of 500 postal votes.

If you release your postal vote to another person, you are taking a risk that they are a fit and proper person who is not going to go about the process, Sherlock Holmes-like, of opening the envelope and changing the vote. I named a number of restrictions, preventing people who work for a political party handling completed postal votes, restricting the number of postal votes that can be handled by a family member to two. It is the easiest part of the system in which to commit fraud, particularly where you fill in a phoney address, a bombsite or what used to be a bombsite, or an accommodation address, to get hold of a ballot paper.

I was talking to a returning officer. They said one of the easiest things when people came in and gave the card over, if they had any doubts, was to put the card down and ask, "What is your address?" Quite a number of people could not say what it was. This is a system in which people can get hold of postal votes to use them for their own nefarious activities that would have even made 1948 Lyndon Johnson blush.

Lord Campbell-Savours: You would expect us to make some fairly strong recommendations in that area in our report.

Lord Pickles: I would.

The Chairman: I think we have cleared what we wanted to ask of you. Who knows? Something might crop up later, but I am sure you can help us if that happens to be the case.

Lord Pickles: I would be honoured.

The Chairman: Thanks very much indeed for coming and giving us the benefit of your views.