

Welsh Affairs Committee

Oral evidence: [Police and Crime Commissioner Elections](#), HC 182

Monday 18 July 2016

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Watch the meeting

Members present: David T. C. Davies (Chair); Dr James Davies; Gerald Jones; Liz Saville Roberts; Mr Mark Williams.

Questions 1 - 24

Witnesses

Rhydian Thomas, Head of Office, Wales, and Andrew Scallan CBE, Director of Electoral Administration, Electoral Commission.

Examination of Witnesses

Rhydian Thomas and Andrew Scallan CBE.

Chair: Mr Thomas and Mr Scallan, thank you very much indeed for coming along this afternoon. The purpose of this is not to cross-examine anyone in any sort of an unfriendly way. We picked up some concerns about the way the PCC elections were held. We wondered whether you shared those and accepted that perhaps there are areas for improvement, but I am sure you will find that we are all on the same side here. Although we do have some set questions, if you think we have missed anything out or there are things that you want to add, please feel free to do so because we are, I would say, relatively informal and friendly as a Select Committee goes on issues like this.

We will begin with James Davies, who is leaving us to attend another committee so he is going to kick off.

Q1 **Dr James Davies:** Apologies for that, but thank you for your attendance. Following the inaugural police and crime commissioner elections in 2012, the Electoral Commission made some recommendations about the way future such elections should be run. Could you tell me which of those recommendations was put into practice in the elections we have just had?

Andrew Scallan: There were a range of recommendations, some pointed towards the voter and some pointed towards Government. I suppose the one most important one for Government was that the legislation for the PCC elections should be managed by the Cabinet Office and not the Home Office, which is where it started because, clearly, that was the Department responsible for the policy development. As you all know from your own experience, electoral law is not quite the same as most aspects of the law and has a specialism of its own. We were very pleased that the Cabinet Office took responsibility for steering through the legislation that was needed for the 2016 elections.

I suppose the principal area that they did not take forward was voter information. We had said that because of the scale and challenge for voters and for campaigners at the PCC elections there ought to be a booklet delivered to at least every household explaining the candidates who were standing and the nature of the PCC elections. That held good in 2012 and I think our report in 2016 will say the same.

Q2 **Chair:** So that is not happening at the moment?

Andrew Scallan: No, it does not happen at the moment. There is a challenge for folk who want to stand for the election and for voters. These are new elections. They are still new in comparison with everything else that we elect to, and we said that people needed to understand there is a real challenge for campaigners to get around the sheer size of the constituencies. We thought that the best model was to have a booklet delivered to every household. It feels very old-fashioned in some senses



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because of the internet, but nevertheless, especially in parts of Wales, the internet is not the answer to everything. We felt there was a need to push material towards the voters.

Rhydian Thomas: I think there is an expectation among the electorate that they will receive candidate information for the PCC elections in the same way as they receive candidate information for general elections, European elections and Assembly elections. They were receiving the candidate information and yet nothing for PCC elections.

Q3 **Dr James Davies:** I think one of the recommendations also made was not to hold these elections in the winter months so as to improve turnout. Turnout was higher on this occasion, partly also because the elections were held alongside other elections. Has any thought been put into the impact that having these elections alongside other elections makes on their outcome? For instance, there were Welsh Assembly elections in Wales. You could argue that there is a certain section of the population that turns out for Welsh Assembly elections, unlike other elections. I know in nearby Cheshire many of the local authorities up for election at the same time were held by one particular party, which is thought to skew the police and crime commissioner result from one party to the other. Has there been any thought about how, where they are held alongside other elections, you can prevent that from impacting on the end result, or is that just inevitable?

Andrew Scallan: I think there probably is some inevitability about that. It is not the type of research that we would do. We would leave that to our academic colleagues who would typically do that type of work. It is very clear that combining the elections does increase turnout and if you look across the border to England, where there were no other elections than PCC elections, the turnout there was significantly less than in the combined areas.

Rhydian Thomas: We did highlight the significant issues the Government would need to look at relating to the combination of elections in our PCC report in 2012. These were issues such as there being two different electoral systems through ballot papers, the voting areas, different officers in charge of running the elections and the timing of the counts for both elections.

Q4 **Chair:** I think helpfully somewhere in here you gave us a table showing what the differential electoral turnouts were. I cannot find it at the moment, but what roughly was the turnout in areas where there was no other election? Do I remember rightly it was as low as 15% in some areas?

Andrew Scallan: Well, 15% might come from November 2012. The figure that is in my mind for the PCC standalone authorities in England is 19%.

Q5 **Chair:** Nineteen per cent in areas where there were no other elections?



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Andrew Scallan: Yes, that is right. I think it might be 19.7%.

Q6 **Chair:** It is a small improvement perhaps on last time round where it was 15% on average?

Andrew Scallan: But in the context of elections, even if you were living in an authority that did not have elections, very large parts of the rest of the country were. I would not describe it as election fever, but people were clearly aware that there was something else going on and that might have influenced their turnout.

Rhydian Thomas: The relevant figure in 2012 in Wales was 15% and then for this year turnout for the PCC elections only was 44.1%.

Q7 **Chair:** That improvement you would say came about largely because of the combination of that with the Assembly elections and some local—yes. Were there any improvements that came about after the 2012 election that helped to boost turnout, any recommendations that you may have made last time that have been followed up?

Andrew Scallan: Our recommendations are not about boosting turnout per se. They are about making sure the voter understands what event they can take part in. We issued a booklet, which is separate from the candidate booklet that I was referring to, to explain to people what elections were taking place, the responsibilities of the National Assembly, the responsibilities of the PCC, and give people an idea of what the ballot papers would look like. The point that we have had consistently in 2012 and at the two PCC by-elections were that people did not know what they were voting for or who they were voting for because the material had not been pushed out.

Q8 **Chair:** I suppose it is difficult to make an estimate of the cost of delivering a booklet to every household. Without wanting to stoke up any controversy, if we go back to the referendum on the EU, the Government delivered a book, which was quite large with a lot of colour photos in it, and that came to about £9 million in total, I think. Presumably, that is the kind of ballpark figure we would be looking at to get one into every home in the country, and Wales would be proportionate to that?

Andrew Scallan: It would not be one booklet. Each PCC area will have a different number of candidates, so the cost of production will vary dependent on the number of pieces of paper in it.

Chair: I suppose so, yes.

Andrew Scallan: I think we could do some work and write to you with what the costs were, the costs of our booklet at the referendum and in Wales for the PCC election as well.

Rhydian Thomas: To give some background on the public awareness work that we did for the 2016 elections, we had a two-phase campaign. The first phase was a registration campaign that saw adverts on television, radio, online, social media, and talked about the need to



register, how to register and when to register by. The second phase of the campaign, as Andrew mentioned, saw the delivery of a voter information booklet to every household in Wales—that was 1.3 million booklets. The booklet focused on the fact that the election was taking place, how to take part in the elections, how to vote, and also gave a bit of extra detail on what elections were happening, the Welsh Assembly elections with accompanying ballot paper images, and the PCC election, again with some detail about how to complete that ballot paper. We managed to deliver 98% of those booklets across Wales. That was the broad base of what we were trying to achieve during the elections.

Q9 Mr Mark Williams: To reiterate the point about the importance of that booklet for smaller political parties and independents, I think more independents stand for police and crime commissioner elections than for other elections. That is particularly important and I have no doubt that one of the reasons why the turnout in my area, Dyfed Powys, was higher was that political parties, including the smaller ones, were able to field candidates, so there was a choice. However, the fact that there was not a robust literature campaign, for instance, because parties could not afford it—again pointing to the need for a booklet—I think explains why the turnout was not higher.

Dyfed Powys was famous in 2012 for having if not the highest, pretty much the closest highest number of spoilt ballot papers—there was a marked improvement this time, if a spoilt ballot paper is something terrible. I confess to spoiling mine in 2012. What accounts for that? Is it a lack of understanding, a failure to read the documentation that you have sent, a general disengagement with the actual principles behind having police commissioners? I think about 5%, which is still quite a high figure, of people consciously wrote something perhaps they should not have on the ballot paper.

Rhydian Thomas: I think it is probably a combination of a number of factors. You could well have some voters who did not understand how to complete the ballot paper. It is quite possible. There would be others who would deliberately spoil it, as you mention, either because they do not agree with PCC elections, do not have any information on the role of the PCC and what it stands for or, going back to our earlier point, perhaps did not have enough information on the candidates themselves as a result of a lack of a freepost mailing.

The third category would be slightly more technical. It is voters who chose not to cast a second preference vote. If they chose just to cast their first preference vote or maybe chose to cast the same vote for both parties, that then invalidates the paper in the second round. There are a variety of different reasons.

Chair: Can I just stop you there? This is a really important issue and, since you have raised it, let us go on to questions 9, 10 and 11 in our list. I think it is one of the key factors here. Do you want to carry on for a minute, Mark, and then I am going to go into those things?



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Mr Mark Williams: I picked up one thing purely anecdotally as I was casting my vote in my polling station: it was hearing the reaction of other voters, who were saying we have three different systems on the go. We have a regional list system for the Assembly elections, first past the post for the constituency, plus this. From an elector's point of view that was a concern. Then we get into the issue of the advice polling clerks were able to give people.

Q10 **Chair:** Can I make a point? I picked up anecdotally when I was going around that returning officers were giving out slightly confused information. I think even some of them were unsure. For example, people did not have to vote twice, did they? But if they voted twice for the same party it became an invalid ballot paper. Is that correct?

Andrew Scallan: It becomes invalid on the second round. The ballot paper has to be looked at in the round, but on the first column it is very clear what the intention is and that would be counted. If someone had only marked the second column in the sense of a voter being used to filling in a box at the end of the page, then that vote would not be counted as a first preference and would be spoilt.

Rhydian Thomas: But if the second column was left blank, then the first preference would be counted but that ballot paper would be spoilt, invalidated, at the second round.

Q11 **Chair:** If it was filled in twice for the same party, say the Labour Party, then it would still count for the first time round but not for the second time round, so it made no difference. If you wanted to just vote for one party, you could decide to either vote once for that party or twice for that party and it would have the same effect. Is that correct?

Andrew Scallan: Yes, except it would not be two votes.

Chair: Yes, but it would have the same impact.

Andrew Scallan: The advice is do not vote twice for the same party because the purpose is that your second choice can be employed. If you vote twice for the same party, your second preference would never get counted.

Q12 **Chair:** That might be true, but there might be a lot of people who would feel that there is only one party they are willing to support and that the rest of them are all equally as bad as each other. I might have been in that position myself. People do feel that way. I did feel that way, but I did not feel I was getting the same information from all the electoral returning officers as to whether or not that ballot paper was going to count. But I understand now.

Andrew Scallan: We produce a booklet called "Doubtful Ballot Papers", which is based around case law and a consensus of opinion about what can be allowed. That explains what would and what would not be allowed, but it is fairly complex to try to explain that to members of the public. We try to keep the messaging simple, which is vote in each column, and we



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have made some suggested changes to the ballot paper to try to make it a bit clearer to steer people in the direction of completing it correctly. The advice that we give is to fill in both columns, but in the advice that we give to returning officers, in the guidance we give them, in the handbook that polling staff use, it is made very clear that people do not have to use their second vote, for example, and also in the training materials they get.

- Q13 **Chair:** If the others will let me press you on this a little bit, may I respectfully suggest that you ought to be saying to people clearly on both sides that you can vote twice? You say that that is what you prefer people to do. Effectively, you are advising people to vote twice, once for one party, once for another. Shouldn't you be saying just as clearly, "You do not have to vote for two parties. You can just vote once in one column for one party. It is your personal choice"? I am sure we both feel strongly about this, myself and Gerald, and probably a lot of people who are very political. We really want to vote for only one party and a lot of members of the public would feel the same. We should be told that it is our right to do that.

Rhydian Thomas: As part of our public information campaign within the booklet itself, but this was accompanied by lots of other PR work, we do say as long as you mark one cross in the first choice column your vote can be counted. If you have marked a first choice, you can choose whether or not to make a second choice.

- Q14 **Chair:** I appreciate that and it is there in the small print of a booklet that I suspect not everyone will have read from cover to cover, but shouldn't it also be made very clear in pictorials in the polling stations?

Andrew Scallan: When we did some research on the redesign of the ballot paper, one of the things that the public said they wanted to understand was the nature of the choices that they were presented with. The commission, on reflection, decided that they would not encourage people to vote only once because the SV system is built around the choice, which is what differentiates it from first past the post. That is what Parliament has legislated for, so we want people to try to use it. Equally, the advice is available to them inside polling stations, in the booklet that is distributed and in other materials to say that if you only want to vote once, you may do.

Rhydian Thomas: The training material, just to make this point—it is an important point—that is provided to polling station staff is very clear on that, so they should be expected to give that information correctly to electors.

- Q15 **Gerald Jones:** On that point, I do not think it is a case of encouraging people to vote twice but it is making it clear that if they want to vote just for the one party, which lots of people would do, then it is entirely fine for them to do that. I suppose it is whether it should be made clearer. When I was at the count in Merthyr Tydfil I noticed a significant number of



spoilt ballot papers there, as in lots of other places across the country. The feedback that I received was that people were confused and it did not help that there were other voting systems in play on the day. I think it is a very valid point that if people want to just vote in the first ballot, then they should be not necessarily encouraged but not discouraged either.

Andrew Scallan: Yes, and as Rhydian has said, it is in the booklet. If you imagine a situation where someone goes into a polling station, I take the point about three ballot papers, "What do I do with these?", but I would hope that the staff in the polling station would explain what to do and, just concentrating on the PCC one, to explain the instructions that are on the ballot paper that say, "Do this". Then hopefully they would lead on and say, "But if you want to vote only once, vote in the column marked 1". It is the choice, which I think is different from people being encouraged to vote only once because the electoral system assumes that people will cast a second vote.

Q16 **Gerald Jones:** Related to that, the Home Affairs Select Committee did a report looking at the first past the post system for future elections. What are your thoughts on that? Are there any views on that?

Andrew Scallan: Our view about the electoral system is—and it may sound like a copout—it is for the legislature to decide on the system. We will then give advice on whatever system is selected about making it as effective as possible for voters, campaigners and administrators.

Rhydian Thomas: Changing the electoral system is not the panacea in this instance. It may well make the system in itself clearer, but it does not address the point of those voters who spoilt their ballot because they did not understand the election, did not understand the PCC and its role, or did not have candidate information.

Q17 **Gerald Jones:** No. Is it clear from the feedback you get from members of the public that one voting system, say the first past the post voting system, is more understood by voters? In the feedback you get, is there one voting system that people seem to prefer?

Andrew Scallan: As someone who works in this business, I am always a bit surprised at people's levels of understanding. For the parliamentary voting system referendum in 2011, we did research on the wording of the question and we were very surprised at how few people understood what first past the post meant and how the current system works. I cannot remember the figures but I am very happy to supply them to the Committee afterwards. If you are a bit close to it, I think you might make assumptions that are not always there for the public. I can certainly make available to you the material that we have done from research.

Our post-election research about, "How complicated did you find the poll? Did you understand what you were doing in the polling station?" has tended not to show a high level of confusion by voters, even when confronted with a large number of ballot papers. I can let you have some



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details of work we did in Bedford last year where there was an even larger number of events taking place on the same day and we concentrated on what the voters felt about that. I can supply that to you because it is the best indication we have about a large number of things taking place at the same time.

Rhydian Thomas: We will be able to provide you with some additional analysis in a statutory report on PCC elections as to the nature of the spoilt ballots—were they people who did not understand the system, people who used it as a protest vote, and so on.

Q18 **Chair:** Going back to something you said and that picks up on what Mr Jones was saying, I definitely heard anecdotal evidence that the returning officers were giving out conflicting information. I think that is what Mr Gerald Jones was just saying. You picked up on that as well. Did either of you two gentlemen pick up on this at all, that people were not only confused but the returning officers were giving out conflicting advice as to whether to vote once or twice for the same party?

Rhydian Thomas: We certainly did not get that information from anyone, no. We set up a national delivery group for these elections and one of the aims of that group, given the complex nature of the combined elections, was to ensure co-ordination across the country and that the same message was going to everyone. We did not pick up on that. It is not to say that it did not happen, but we did not pick up on it.

Andrew Scallan: Chairman, can I just be clear if it is the returning officers who are confused or perhaps people working in polling stations, presiding officers, who are—

Chair: Sorry, you are right, fair comment. Yes, presiding officers, not returning officers.

Andrew Scallan: Right, so it is the polling station staff who were not—

Chair: Yes.

Andrew Scallan: Rhydian might know the numbers. I cannot remember what they are, but it is possible that within that chain of command the message may not have been as clear as it could be. But I go back to our handbook that makes it very clear and the training they should have received should have made it clear as well.

Q19 **Mr Mark Williams:** I want to return briefly to the issue of engagement with the voters. I think we have all probably reached the conclusion that had the Assembly elections not been on the same day the turnout in Wales would have been a lot less. I represent a constituency in the vast Dyfed Powys area. It is a huge challenge for any candidate, a huge challenge for smaller parties were they in a position to provide their own literature. Two things: one to flag up that, yes, information available online is innovative, good for many, but for many of our constituents that simply is not an option. I think there is a serious issue of impairment for



some people in the information they get. I suppose it is not so much a question as rather a hope that, when you finally conclude on the experience of this year, the item in your recommendations before in terms of a booklet and available information is not lost in carrying the recommendation forward to Government. I appreciate what the Chairman was saying about the cost of that, but for some areas and for some of our constituents there is no alternative than to have a bit of paper through the letterbox. Individual candidates and political parties are not all in a position that they can realistically afford that.

Andrew Scallan: There is no secret. We have been consistent about the need for this and nothing has changed, albeit in technology terms who knows how things might have improved by 2020 when the next scheduled election is? Certainly at the moment we will be saying that we think it is important.

The Government did have a pilot of issuing booklets at one of the PCC by-elections and they concluded that it did not give an improved turnout or improved people's understanding of the event. Unfortunately, the by-election was in August and the statutory provision for pilots—the election was distorted in more than one way, and because it could only be used once, it did not provide what we thought was the best example of how it might have improved things.

Q20 **Chair:** We have completely messed up the batting order of the questions, so I am going to suggest everyone dives in and takes it in whichever direction they want.

I think you have just mentioned something quite interesting, which is the idea of piloting. If you cannot get the Government to agree to put a booklet out with a page about the candidates to every home in Britain or Wales, do you think that there would be an argument for allowing an area to be piloted next time round to see whether that improves turnout relative to the other areas? Would you be willing to support that as a recommendation?

Andrew Scallan: Piloting is a feature of changes to our electoral processes and I think pilots on their own would require secondary legislation to make it happen. We would want to consider in detail the timing and the impact it might have and, given what we said about combination, precisely how it might work in any particular area. Wales had the advantage of consistency—across the border it will be very unlikely that there would be a consistent set of elections—apart from the Ogmere by-election, which was not combined and was a separate standalone event on the same day. Certainly, it is something we would look into because we think it is a very good idea.

Q21 **Gerald Jones:** On that point, in my constituency, which is not small but has 36,000 properties, it is nigh on impossible to get around all of that area with a fairly decent sized campaign team during a short campaign. Freepost that goes to people's homes is the only information some people



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get. In police and crime commissioner elections, where even in Gwent, which is one of the smallest areas, you still have eight constituencies, in my experience the campaign teams are smaller than they are for general and Assembly elections, so to get around and engage with people—and I am sure that it is the same for all political parties and independents, perhaps more so for independents—would be nigh on absolutely impossible. In terms of getting that engagement, I think some kind of information out there has to be a step forward to improve turnout.

Andrew Scallan: Yes. The website is available and we are still waiting to see from Government what access to the website was, how many people visited it, how many people asked for downloads of material. I suspect it is not going to be significantly greater than it was in 2012, which was in round figures—I can again confirm the figures—something in the order of 100,000 downloads out of about 36 million people for the combined elections.

Rhydian Thomas: In terms of accessibility to the electorate and to voters, what would voters expect? What would they want? What would they need? I think there will be an expectation among voters in Wales, whether it is in Merthyr or in Dyfed Powys, that they would receive that candidate information. When they see it coming through their doors for every other set of major elections, why don't they have it for the PCC elections?

Chair: Gerald Jones just made the point about our area, which, compared to other parts of Wales is still relatively easy to get around, isn't it? I think it would be very difficult indeed for any of the major political parties to get a team to every doorstep in mid Wales and north Wales.

Mr Mark Williams: As an example, I have 147 villages in my constituency and 700 family farms. It is a physical impossibility, and a huge chunk of those have no access to the internet as well. It really is a matter of what people see on the TV—and there was not much, obviously, because it clashed with other elections—or something through your letterbox, whether it is party derived or the Government or yourselves.

Q22 **Chair:** When you were looking at how many hits you have, was it possible to ascertain whether they were all coming from the major conurbations or were you getting more hits from remote rural areas that may not even have access to broadband?

Rhydian Thomas: The website that Andrew was referring to is one that is maintained by the UK Government. It is not the commission's website. It was just some statistics we picked up from their website, so we are not able to give you that information.

Q23 **Chair:** Okay. Here is an open question: what would you like to see done? If we could sum up, I think you have already given us some pointers here, but what do you think we should be looking to recommend to the



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Government in order to improve turnout and information at the next elections that we have? What would be your wish list?

Andrew Scallan: In terms of improving turnout, it is clear that this new electoral event being combined with one that is more established that people understand did drive turnout up. There is the issue and the question about combination, which may be a bit of a two-edged issue. So, a combination works.

The next point is going to be one about public information and the booklet, and I have to say the booklet will not be a panacea. There is the evidence from the by-election, but it is complicated and confused by the timing of that. These are still very new bodies. The incumbents have only had since November 2012 to explain what was going on, explain the role of the PCC, so there will be a gradual change. I think for the moment there is a lot of technical detailed things that we would want to see changed, but the big one will be about making sure that, first of all, campaigners can effectively campaign, given the challenge of geography we have just talked about, and that voters can understand who it is they are being invited to vote for.

Rhyddian Thomas: Especially given, as things currently stand at least, the next set of police and crime commissioner elections are due to be combined with parliamentary elections in 2020. You can well see that that election would perhaps overshadow the police and crime commissioner elections so it is even more important that the candidate information is there for people to receive.

Q24 **Chair:** I think we have covered everything that I have down here. Does anyone else have any further questions? If not, then can I thank both of you very much indeed for that? It is most helpful. We appreciate it. Diolch yn fawr.

Andrew Scallan: Diolch, Chair, and we will write to you with those things that we have made a note of.

Chair: Thank you very much.