

Polls Apart:

The 2012 Police and Crime
Commissioner Elections



This report was produced with the generous support of the McDougall Trust

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May 2013

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Registered in England No. 8106867

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Polls Apart: The Police and Crime Commissioner Elections 2012

Executive Summary

The Police and Crime Commissioner elections on 15 November 2012 are generally agreed to have marked a new low so far as democracy in Britain is concerned, with the electorate poles apart from the government on the issue of how policing should be run in England and Wales.

The depressing turnout – 15.1 percent – was the poorest ever in national elections in these countries, with politicians and commentators each blaming the other for the fiasco and the electorate supremely indifferent to both.

This report examines a range of the issues involved, draws conclusions and makes recommendations for how things could be improved for the future.

Candidates

192 people stood in the PCC elections. 35 of them were women, and there was an unusually high number of Independent candidates (52, or 27.1 percent). The Conservative and Labour parties fielded candidates in every police area, but the Liberal Democrats were represented in only 24. Confusion about the disqualification of candidates who had incurred convictions in their teenage years continued almost up to polling day, and even ministers seemed unsure of the precise implications of the legislation they themselves had piloted through Parliament.

The government's aspiration of encouraging more Independent non-party people to stand as PCC candidates was largely achieved. The absence of positive action measures in any of the political party selection mechanisms resulted in a low percentage of women candidates overall. The absence of any diversity monitoring at the point of nomination for any UK elections means that it is not possible to determine the diversity of candidates in any respect other than gender.

Lack of attention to the detail of candidate qualification requirements at the legislative stage led to muddle and uncertainty as well as preventing some otherwise well-qualified candidates from standing.

Campaigning

For these elections the government did not make a freepost facility available to candidates, and this had a direct impact upon both the scale and the quality of campaigning. The deposit was very high (£5,000), and this, combined with the fact that many candidates had to find the cost of their campaigns themselves, restricted the number of people willing or

able to stand. In addition, since both political party and Independent candidates depended heavily on volunteers for campaigning activity, the very large electoral areas made extensive leafleting or voter contact extremely difficult.

The very high personal cost of standing is not unique to the PCC elections, but it does mark a new development so far as the price of democracy is concerned. The absence of the freepost made campaigning challenging for all but the wealthiest candidates, whether party-backed or not. These financial disincentives did nothing to help broaden the range of people entering public life, and were at least in part responsible for deterring a wider variety of candidates.

The Results

70.7 percent of those elected were from either the Conservative or the Labour parties, but Independent candidates also did well, winning in 12 areas.

Six of those elected were women (two Conservative, two Labour and two Independent), but as usual there is no reliable information on ethnicity or other diversity indicators. The election was run using the Supplementary Vote system; this enabled voters to express up to two preferences by means of marking the relevant box with a cross (not by ranking candidates in order).

The lack of diversity in candidates led to a lack of diversity amongst those elected.

Turnout

Turnout in the elections was just 15.1 percent. This had been predicted by polling before the election, and quickly and pervasively became its main story. The low level of participation has been attributed to a number of causes including the timing of the elections, lack of information, the electoral system used, opposition to the policy itself, and concerns about the politicisation of policing. All of these factors and others are considered in detail in the report.

Democratic Legitimacy

It has been contended that the low turnout undermines the democratic mandate of those elected. However, there is no legal turnout threshold for UK elections, and public representatives are elected regularly on widely varying – and sometimes very low - turnout levels.

In the light of this, Police and Crime Commissioners must (however reluctantly) be considered to have a valid democratic mandate.

Timing

Unusually, the PCC elections were held in November, which some critics believed resulted in a lower turnout than would otherwise have been the case. However, there is very little

evidence for this, and the main problem caused was probably to the candidates and their supporters, who had to campaign in autumnal conditions.

Freepost, Websites and Awareness

The absence of a freepost facility was one of the most controversial aspects of the election. In most UK elections the freepost mailing enables even candidates with very moderate resources to make their case to every elector at least once. For the PCC elections the freepost was replaced by a Home Office website (choosemypcc.org) with brief details of the candidates and short statements from them; this website received over two million hits. However, most voters were dependent on receiving information from the candidates themselves, and the size of the electorates (an average of 800,000, with some well over a million) combined with the very high costs of campaigning made it effectively impossible for any candidate to contact every elector.

Both the Home Office and the Electoral Commission offered information online and ran advertising campaigns; unfortunately these were not well co-ordinated, and, in the case of the Home Office, the advertising was more polemic than information.

Despite all this, and perhaps because of heavy media coverage, polling suggested that the majority of people did know about the elections, even though they did not intend to vote in them or felt that they did not have enough knowledge.

Providing candidate statements on the internet only made it harder for people to find the information they needed, and this probably was a factor in some people's decision not to vote. Moreover, a number of opportunities for pointing people in the direction of local, relevant and accessible information were lost, most notably through the Home Office's high profile advertising campaign and a lack of coordination with the Electoral Commission.

The Media

Both national and local media outlets covered the elections extensively, but relatively little coverage was about the candidates, and much of it dwelled on projected low turnouts, a perceived (though not actual) ignorance about the elections and opposition to the idea of politicising policing.

Constantly telling people that they did not know or understand enough about what was happening was bound to reinforce uncertainty, particularly when matched by a lack of available detail about candidates.

Principle, Protest and the Politicisation of Policing

The very low turnout has been interpreted as a form of protest against either the policy of Police and Crime Commissioners itself, or the politicisation of police decisions, or both. Despite the fact that they represented considerable constitutional change, PCCs were

introduced without referendum, and this may have caused some resentment amongst habitual voters. The publication of the oath of impartiality PCCs would be required to take did little to reduce apprehensions. After the election there was some speculation that large numbers of people spoiled their ballot papers in protest, but the available evidence does not in fact bear this out.

Polling day was effectively the first opportunity people had had to express an opinion on the principle of PCCs; that this opportunity had not been made available through a referendum (as in mayoral votes) prior to the PCC elections made it almost inevitable that they themselves would become a form of referendum, with both to increased abstention rates and the election of an unusually high number of Independent candidates. However, the degree to which this happened cannot be identified unless or until further research is done.

The Supplementary Vote and Invalid Ballots

The electoral system used for the PCC elections is known as the Supplementary Vote. In this electors vote for up to two candidates, with all but the top two being eliminated after the first preferences have been counted.

At 2.8 percent of all votes cast the level of invalid (or spoiled) ballots was higher than for parliamentary elections (0.23 percent in the 2010 general election), but not higher than for many mayoral elections, which use the same electoral system. Where there were only two candidates the SV ballot paper was still used, though the election was effectively run using the more common first-past-the-post system. This perhaps accounts for the very high numbers of invalid ballot papers in two out of the three elections where this applied.

There is no evidence that either the use of the SV voting system or the format of the ballot papers were significant contributory factors in either the level of spoiled papers, or the low turnout.

Administration

Most elections are run under the auspices of the Cabinet Office, but in this case the responsible department was the Home Office, which had no experience of running elections and seemed disinclined to take advice from either the Cabinet Office or the Electoral Commission. Regulations and orders were issued very late, in some cases – most notably in Wales over the printing of dual language ballot papers – causing significant cost as well as inconvenience and extra work.

Whilst it is unlikely that the administrative problems were in themselves a cause of the low turnout, the challenges faced by Police Area Returning Officers and their staff certainly contributed to the fog of uncertainty in which the elections were run. The apparent inability of the Home Office to coordinate with other bodies, to take advice from those

with more experience, or to get orders and regulations out on time adversely affected a number of aspects of the campaign, including the provision to voters of information about candidates.

Costs

The cost of the election was estimated by the government as £75 million, whilst the Labour Party put it at in excess of £100 million. However, actual costs have not yet been published, so that it is not possible to tell which figure was closest to the outcome.

Recommendations

Recommendation 1: Government, legislators and those responsible for the management of elections should set clear rules for the eligibility of candidates. Guidance should be transparent and available from the outset.

Recommendation 2: Political parties should examine their internal selection procedures to ensure that they are doing everything possible to ensure that women, BME and disabled candidates, as well as those from other under-represented groups, are able to become candidates in seats they could win.

Recommendation 3: Candidates should be required to complete a diversity monitoring form to be handed in to Elections Offices with nomination papers. The information from these forms should be collated and published either by the Electoral Commission or the Cabinet Office annually.

Recommendation 4: The Cabinet Office and/or the Electoral Commission should carry out research to identify what could be done to reduce the financial disincentives for prospective candidates. In addition, the freepost facility should be available to all candidates for the 2016 PCC elections.

Recommendation 5: More work should be done to establish exactly what information electors need at elections, what they want, and how it is best delivered.

Recommendation 6: Where more than one government department is involved in running an election they should take steps to ensure that they co-ordinate properly and efficiently both with one another and with the Electoral Commission.

Recommendation 7: Governments should not introduce significant constitutional change at local level without the agreement of the electorate through a referendum. This should apply even where the change in question has been included in a manifesto commitment.

Recommendation 8: Supplementary vote ballot papers should not be used for first-past-the-post elections

Recommendation 9: The Cabinet Office should be responsible for all elections; where other departments are involved they should work under their direction.

Recommendation 10: Both politicians and government departments should take account of the views of the Electoral Commission when planning elections, and, in particular, should ensure that adequate time is allowed in timescales for both planning and delivery. This is particularly the case where new elections, or elections using new voting systems, are involved.

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Introduction

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The depressing turnout – 15.1 percent – was the poorest ever in national elections in these countries, with politicians and commentators each blaming the other for the fiasco and the electorate supremely indifferent to both.

This report examines a range of the issues involved, draws conclusions and makes recommendations for how things could be improved for the future.

However, simply looking at the mechanics of the elections would make it easy to miss the underlying problem they exemplified. It is our view that the people of England and Wales declined to engage with the polls, not because they did not know enough, but because they did not want to know.

With few exceptions people have consistently and resolutely refused to vote for all recently proposed structural reforms to the way they are governed, from devolution in the North East to changing the voting system, from elected mayors in many cities to Police and Crime Commissioners.

In the case of the latter, the failure to hold a referendum on them left the electorate with no way of expressing their disapproval except through the elections. This they took, not by spoiling their ballot papers, but by snubbing them altogether.

Politicians sometimes believe that the answer to a problem is structural change and/or more politicians. The electorate, on the other hand, knows that things are often more complicated than that, and view any solution which results in disruption accompanied by more politicians with suspicion.

Hence, as this report notes, only a third of mayoral referendums in the last decade have resulted in ‘yes’ votes, proposals for regional government in the North East in 2004 were resoundingly defeated, and the suggestion of switching to the alternative vote system of electing Members of Parliament was firmly rejected.

If there is one lesson that politicians and others need to learn from these events, which culminated in the elections examined in this report, it is that top down reform rarely works

- it has to be rooted in and develop from a genuine wish to change, and this wish has to be founded in opinion outside the 'political village'. Thus the devolution referendums of 1999 and that on the Good Friday Agreement produced 'yes' votes because there was a positive will in a significant part of the community to have the kind of change being proposed, even where there was disagreement about the detail.

Police and Crime Commissioners, however, were a policy promoted by a think tank, taken up by politicians, included in manifestos which few people read, and written into a coalition agreement negotiated in private after an inconclusive election. Even the parties making the agreement did not wholeheartedly support it; the Liberal Democrats were lukewarm at best and positively hostile when the Bill entered the House of Lords. At one point it was not even certain that they would stand candidates in the elections. In these circumstances it is hardly surprising that the English and Welsh public could not drum up much enthusiasm either.

Thus another lesson that should be drawn is that party election manifestos should not be used as a vehicle for introducing constitutional reform. This is different from promises to hold referendums; in those cases the votes can be held and a decision made by the public without the issue becoming quite so overtly ideological. Had the coalition agreement offered a referendum on PCCs (as it did in the case of AV) there would have been the opportunity for a proper public debate on how the democratic control of policing should work. As it was, this debate was avoided, and the electorate took advantage of the only ballot box available to express its opinion.

Thus the PCC elections, with their sorry tale of confusion, ineptitude and abstention, mark a low point, not just of turnout, but also of the process of achieving political and democratic change. It is to be hoped that the lessons are learned, and that, in future, major changes to democratic control in such important areas are decided on by the electorate as a whole and not through manifestos and back room deals in Westminster.

We are grateful to the McDougall Trust for their generous support, without which this project would not have been possible.

Nan Sloane
Director, Centre for Women & Democracy
May 2013

1. The Background

Elected Police Commissioners are not a new idea.

As early as 2003, the right-leaning think tank Policy Exchange was advocating direct election for those responsible for the policy and financing of policing¹. They recommended that chief constables should report directly to elected mayors or local authority leaders², but also examined the possibility of introducing both elected police authority chairs (or 'sheriffs')³ who would have wide-ranging powers, and directly elected police authorities⁴.

The idea of a single elected individual, however, quickly gained currency, and at the Conservative Party Conference later that year Oliver Letwin, (then Shadow Home Secretary), announced:

'(And) we will put each local police force under the direct, democratic control of local people. That means wherever you live, your Chief Constable will answer to someone you elected.'⁵

In 2005 the Conservative manifesto (the principal architect of which was the then Head of Policy Coordination, David Cameron) pledged that:

'We will recruit 5,000 new police officers each year, radically cut paperwork and introduce genuine local accountability, through elected police commissioners.'

Following his party's defeat at that election, David Cameron became its leader in December and immediately made clear that policing was a priority. He appointed Nick Herbert as shadow Minister for Police Reform and asked him to lead a task force on the subject. In early 2006 he made a speech in which he said that:

'There are various options for achieving such local accountability. Police Authorities could be directly elected. They could be replaced by an individual who is directly elected, like a police commissioner. Or elected mayors could fulfil this role.'⁶

The task force produced its interim report in April 2007, and was unambiguous in its support for directly elected police commissioners. It proposed that:

¹ *Going Local; Who Should Run Britain's Police?* January 2003, Barry Loveday & Ann Reid, Policy Exchange. Policy Exchange have since claimed that they were the first to propose elected police commissioners. although they did examine as an option which they did not actually recommend. (ibid). They also (p58) looked at the possibility of, a measure which subsequently became both Labour and Liberal Democrat policy.

² Ibid p 59

³ Ibid

⁴ Ibid, p 58

⁵ <http://www.guardian.co.uk/politics/2003/oct/07/conservatives2003.conservatives4>

⁶ Speech given in Dalston, East London, 16 January 2006.

‘The police should be locally accountable to the public, through the direct election of police commissioners to replace police authorities and through a “right to policing” for local communities. Elected commissioners would work with local partners to deliver joined-up justice.’⁷

Three years later elected police commissioners again appeared in the Conservative Party manifesto for the 2010 general election:

‘Policing relies on consent. People want to know that the police are listening to them, and the police want to be able to focus on community priorities, not ticking boxes. We will replace the existing invisible and unaccountable police authorities and make the police accountable to a directly-elected individual who will set policing priorities for local communities. They will be responsible for setting the budget and the strategy for local police forces, with the police retaining their operational independence.’⁸

Meanwhile, both the Labour and the Liberal Democrat parties had also been looking at the issue of the local accountability of policing. The Liberal Democrat manifesto said that the party would:

‘Give local people a real say over their police force through the direct election of police authorities. Authorities would still be able to co-opt extra members to ensure diversity, experience and expertise;

‘Give far more power to elected police authorities, including the right to sack and appoint the Chief Constable, set local policing priorities and agree and determine budgets.’⁹

Labour had also been considering what changes could be made. As Home Secretary in 2003, David Blunkett had looked at (and rejected) the idea of elected police commissioners, whilst plans by Jacqui Smith in 2008 to bring in elected police authorities were dropped after opposition from local authorities. The Labour Manifesto of 2010 made no specific commitments on the subject, although it did say:

‘We will protect the police from politicisation, but take swift action where they are not performing’

and went on to talk generally about improving local accountability.¹⁰

⁷ *Policing for the People: Interim Report of the Police Reform Task Force*, April 2007, p 185

⁸ *Invitation to Join the Government of Britain*, p 57

⁹ Liberal Democrat Manifesto 2010, p 72

¹⁰ *A Future Fair for All*, Labour Party Manifesto 2010 p 5.3

Thus, when the (all male) Conservative and Liberal Democrat teams met to negotiate the Coalition Agreement and Programme there was already a common opinion between them about the need to increase local accountability of policing, and a disagreement only about mechanisms. The Coalition Programme document says that:

‘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.’¹¹

Immediately after the coalition took up office, work was begun on laying plans for the introduction of the new arrangements. A White Paper called *‘Policing in the 21st Century: Re-connecting the police and the people’* was published in July 2010, with a consultation process running for eight weeks from 26 July to 20 September, followed by the introduction of the Police Reform and Social Responsibility Bill in November.

This covered a number of issues, including the introduction of elected Police and Crime Commissioners. It was proposed that they would serve a maximum of two fixed four year terms, be responsible for establishing a formal plan for each year, set a budget and produce an annual report. They were not to have any responsibility for day-to-day policing, but would appoint the Force’s chief executive, chief finance officer and chief constable. They could also appoint a deputy and any other staff they deemed necessary.

The same legislation abolished Police Authorities and replaced them with Police and Crime Panels made up predominantly of local councillors. The main task of the Panels would be to provide a scrutiny function, but they would also be required to review both any precept set by the Commissioner and his/her appointment of a chief constable, both of which they would be able to veto on a two-thirds majority.

At no stage was it proposed to hold a referendum on the changes being proposed. However, it was initially envisaged that the first police commissioner elections would be held in May 2012, at the same time as the local elections, the London mayoral election and referendums for elected mayors in 12 major English cities. In the event the mayoral referendums became mired in controversy as government policy veered from requiring councils to hold decisive ballots on the principle to the imposition of city mayors in advance of consultative referendums and then back again to decisive referendums in each city.

Meanwhile, opposition to elected police commissioners also gathered pace, and this found its effective voice in the House of Lords where in May 2011 a combination of Labour and Liberal Democrat peers managed to defeat the government and throw out its proposals. In

¹¹ *The Coalition: Our Programme for Government* p 13

the ensuing ping-pong of the Bill between the Lords and the Commons the date of the elections was moved to November 2012.

The amended Bill finally received royal assent on 15 September 2011.

Exactly fourteen months later the first Police and Crime Commissioner elections were held. Disappointingly, only 15.1 percent of the electorate voted, and what had been planned as a significant increase in local democratic accountability became mired instead in controversy over the turnout.

On 22 November 2012 the 41 newly-elected Commissioners took office and set about appointing deputies and staff and drawing up budgets and police plans.

The next Police and Crime Commissioner elections will take place on 5 May 2016, the same day as local council elections and elections for the Welsh Assembly.

2. Candidates, Campaigns and Results

The PCC elections were unusual in a number of respects, including unprecedented requirements in terms of candidate qualification, uncommonly large geographic electoral areas for single candidate elections and a relatively low level of priority for the political parties. This section examines who stood, who was elected, and what problems the novel nature of the elections brought for aspiring PCCs.

a) Candidates

By early 2012, the political parties had begun to select candidates and Independents of various kinds had begun to announce their intentions.

It had been hoped that the new posts would attract strong, experienced individuals without party ties, but it rapidly became clear that this was not going to be the case. Worse, when those individuals did come forward they could find themselves disqualified from office by one of the most draconian rules in any British election law. This barred from standing anyone who had a conviction for an imprisonable offence, whenever committed and whether spent or not, and whether or not they were actually jailed.

As a result some of the precise people the government had hoped to see as candidates were banned. Simon Weston, a high-profile and respected Falklands war veteran, announced his intention to stand in South Wales in February 2012, but by June it had emerged that a minor conviction incurred at the age of 14 made him ineligible. The Home Secretary (Theresa May) suggested that the law was not intended to be applied to people like Mr Weston¹². The Electoral Commission indicated that the provision applied to any offence which could, if committed by an adult, have attracted a prison sentence, and as a result a number of candidates were effectively disqualified for convictions incurred when they were in their teens.

Mr Weston himself withdrew from the contest at the beginning of July 2012 on the grounds that the campaign was becoming 'too political'.¹³

Despite the Commission's clarification, confusion persisted right up to – and indeed after – the close of nominations in October. In August Labour's candidate in Derbyshire withdrew after seeking advice about an offence committed when he was 14. The Labour Party then sought further clarification, which resulted in the candidate being reinstated because he had been given a conditional discharge.¹⁴

¹² Reported by the BBC, 19 June 2012

¹³ Reported by the BBC, 2 July 2012 <http://www.bbc.co.uk/news/uk-wales-18670400>

¹⁴ Reported by the BBC, 14 August 2012 <http://www.bbc.co.uk/news/uk-england-derbyshire-19258335>

On 31 October – a week after the deadline for withdrawing nomination papers – Labour’s candidate in Northamptonshire revealed that he had a conviction for an offence committed when he was 19.¹⁵ He was suspended by his Party but despite this his name had to remain on the ballot paper. At the election he picked up over 25,000 votes; had he been elected he would immediately have been disbarred and a by-election would have been required.

As an aside, this was a rare area in which men, rather than women, were disadvantaged. There was the usual (justified) speculation that women candidates would be less likely to come forward because of the barriers and obstacles that women seeking election face, so it is worth noting that, so far as is known, all the actual or potential candidates excluded by the ‘no conviction’ requirement were men.

A further complication arose on 4 August when Lord Justice Goldring ruled that serving magistrates would not be able to stand. A week later he changed his mind and ruled that

‘Provided a magistrate undertakes not to sit from the time of his/her selection as a candidate, and to resign if elected, he/she may resume sitting if not elected. In other words, in respect of the present elections, it will not be necessary to resign upon announcing an intention to stand.’¹⁶

The lack of prominent Independent candidates threw the attitudes of the political parties into rather higher relief, and, in particular, emphasised concerns about the politicisation of policing. The government’s original vision had been that most police commissioners would not be politically aligned, but, given that both Labour and the Conservatives were intending to field full slates such a vision was unlikely to be realised. In some cases the political candidates who were emerging were local figures who had been involved – often as chair – in the outgoing police authorities, but in others they were high-profile national political figures (e.g. John Prescott and Michael Mates, both former MPs) and in two cases candidates were MPs who actually resigned their seats in order to stand.¹⁷

The Liberal Democrats found themselves in the difficult position of having subscribed to the policy of elected police commissioners as part of the Coalition Programme and then contributing in the House of Lords to partially derailing it. Initially, they suggested that they would field no candidates at all, but this weakened to allowing candidates to be fielded where local parties wanted them, and, in the end, the Liberal Democrats had candidates in just over half of the 41 seats up for election.

¹⁵ For which he was fined £20

¹⁶ Reported in the Daily Telegraph, 10 August 2012, <http://www.telegraph.co.uk/news/uknews/law-and-order/html>

¹⁷ Thus triggering by-elections held on the same day as the police commissioner elections. The MPs concerned were Tony Lloyd in Manchester Central and Alun Michael in Cardiff South & Penarth. The third by-election held on 15 November was caused (in Corby) by the resignation of the Conservative Louise Mensch.

The main political parties all ran some form of selection system to identify their candidates, although in the case of the Liberal Democrats this was more likely to happen where the local party indicated that they wished to run a candidate rather than in a proactive way from the centre. Because the Party was concerned about the politicisation of policing, the Federal Executive resolved that:

‘individual Liberal Democrats should be able to support non party-political candidates, and also stand and campaign in their own right without this act being regarded as bringing the Party into disrepute.’¹⁸

It went on to note that:

‘in police authority areas where there is no such appropriate non party-political candidate coming forward, Liberal Democrats may choose to run under the party label if that is the desire of the local parties in the police authority area.’

Each local party wishing to field a candidate advertised in *Liberal Democrat News* and then followed a standard selection procedure. Details of shortlists have not been published.

The Conservative Party invited people to apply centrally, and local parties then drew up shortlists which were voted on either by members or through primaries of various kinds. Again, details of shortlists were not published, though they were available in part through websites such as Conservative Home and Top of the Cops (run by Conservative councillor Sam Chapman).

The Labour Party also invited applications centrally from which shortlists were produced and then voted on by members. There were no primary-style selections. Shortlists were published, and an analysis of these shows that 26 percent (19) of the 73 shortlisted hopefuls around the country were women, of whom 15 were selected as candidates (36.6 percent of selected Labour PCC candidates).

By the end of the summer both Labour and the Conservatives had selected all their candidates, and although a small number subsequently had to be replaced because of prior convictions, their candidate lists were more or less set. The Liberal Democrats continued to select later than this, and Independents and people standing for the smaller parties continued to announce their candidacy (and on occasion to withdraw).

Nominations for candidates closed on 19 October and lists of candidates were published on 23 October.

A total of 192¹⁹ people stood for election as Police & Crime Commissioners.

¹⁸ Reports to Spring Conference 2012 Newcastle/Gateshead

The constituency with the highest number of candidates (ten) was Devon and Cornwall; in most areas there were between four and six. In three – Dyfed-Powys, North Yorkshire and Staffordshire – there were only two candidates. None of the elections was uncontested.

As had been expected, the majority of candidates were from one or other of the main political parties, but there was a much higher than usual percentage of Independent candidates.

Table 1: PCC Candidates by Political Party

Party	Total number of candidates	% of total 192
Conservative	41	21.3%
Labour	41	21.3%
Liberal Democrat	24	12.5%
Independent	52	27.1%
UKIP	24	12.5%
Others ²⁰	10	5.3%
Totals	192	100%

In the 2012 local elections 24.6 percent of candidates stood as Independents and in the 2010 general election 8.2 percent. Thus the government’s objective of encouraging more politically unaligned people to stand was in fact met, albeit not to the extent that might have been anticipated at the start of the process.

However, the aspiration of attracting high profile Independent candidates from the wider community was, on the whole, not fulfilled. 32 (61.5 percent) of non-aligned candidates were either current or former members of the outgoing police authorities or former police officers, and a further 12 (23 percent) were councillors.²¹ Others had been magistrates or in the military, and none was the national figure for which government had hoped.

The same pattern applied for candidates as a whole, too, although there was also considerable overlap between different background groups; for instance, one candidate was a member of the House of Lords and had also been an MP, whilst others were both councillors and members of the about-to-be-abolished police authorities. That said, a clear pattern emerges of candidates coming from political and police backgrounds. Over half (99) had been elected politicians of some kind, as MPs (10), Councillors (85) or as members of other bodies (4). 20.3 percent had been members of Police Authorities, 16.6

¹⁹ The Electoral Commission’s report of March 2013 puts the number at 191; this is because they have excluded a candidate who was disqualified after the close of nominations. However, his name appeared on the ballot paper, and he has therefore been included for the purposes of this report.

²⁰ This category consists of the English Democratic League/British Freedom, the English Democrats, the Green Party, the Independent (SOS) Party, the Justice and Anti-Corruption Party, the National Liberal Party and the Official Monster Raving Loony Party.

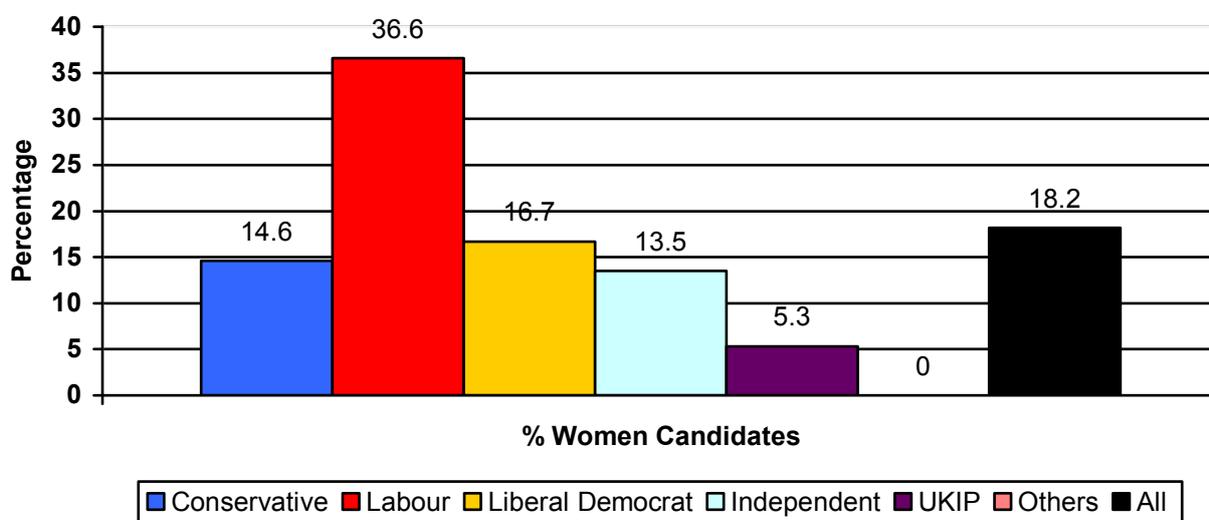
²¹ Guardian candidate data

<https://docs.google.com/spreadsheet/ccc?key=0AjI0Eo6IUSaHdG1oS3NHUhh3UUFEWV9oRFZBNG5sTFE#gid=0>

percent had been police officers and a further 13.5 percent had worked in the wider criminal justice system.²²

The complete absence of any form of diversity monitoring for any elections in England and Wales means that it is impossible to gain any accurate picture of who the candidates were in terms of issues such as race, age, disability or sexuality. The only quality which it is possible to analyse with any degree of certainty is gender; 18.2 percent (35) of Police and Crime Commissioner candidates were women.

Figure 1: Percentage of women PCC candidates by political party



Only Labour and the Conservatives fielded full slates; 15 of Labour's 41 candidates were women and six of the Conservative candidates. The Liberal Democrats stood in 24 areas and four of their candidates were women. Seven of the 52 Independent candidates were female. Thus fears that there would be hardly any women candidates standing were not borne out, although there were fewer overall than for other types of elections and the pattern of who they stood for was rather different. As usual, the number of places where no women candidates stood (15) far outran those with no men (1)²³

The Labour Party, which uses positive action mechanisms (generally in the form of all women shortlists) for selections for both local council and Westminster parliamentary candidates, did not do so for the PCC elections. Despite this they achieved the highest percentage of women candidates, but did not succeed in getting women elected in any greater numbers, since the majority of Labour women candidates were to be found in seats where their chances of success were limited.

²² Association of Police & Crime Commissioners' analysis of the elections
<http://www.apccs.police.uk/page/Elections>

²³ The election with only women standing was in North Yorkshire, where both Labour and the Conservatives fielded female candidates and no other parties or independents stood.

The Conservative Party fielded fewer women candidates, but those there were stood a proportionately greater chance of being elected than their Labour equivalents. The Liberal Democrats had women in only four of the 24 police areas in which they stood, none of whom were successful.

Table 2: Women as a percentage of candidates at recent elections by Party

Party	2010 General Election	2012 Local Elections	2012 PCC Elections
Conservative	23.9%	28.0%	14.6%
Labour	30.2%	35.5%	36.6%
Liberal Democrat	21.3%	33.6%	16.7%
Independent	11.0%	24.6%	13.5%
UKIP	14.9%	20.1%	5.3%
All	21.2%	30.7%	16.2%

As Table 2 shows, it is not unusual for there to be fewer women standing as Independent candidates than for political parties. Neither the very specific nature of the post nor the high level of deposit required seems to have affected that for the PCC elections.

Conclusions: The government’s wish to see more Independent candidates was largely achieved. The absence of positive action measures from party selection mechanisms resulted in a low percentage of women candidates overall. The absence of any diversity monitoring in UK elections means that it is not possible to determine the diversity of candidates in any respect other than gender.

Recommendation 1: Government, legislators and those responsible for the management of elections should set clear rules for the eligibility of candidates. Guidance should be transparent and available from the outset.

Recommendation 2: Political parties should examine their internal selection procedures to ensure that they are doing everything possible to ensure that women, BME and disabled candidates, as well as those from other under-represented groups, are able to become candidates in seats they could win.

Recommendation 3: Candidates should be required to complete a diversity monitoring form to be handed in to Elections Offices with nomination papers. The information from these forms should be collated and published either by the Electoral Commission or the Cabinet Office annually.

b) Campaigns

The government set campaign spending limits for candidates based on the size of the electorate in each police area; limits ranged from £357,435 in the West Midlands to £72,231 in Cumbria.²⁴ Activities which counted towards the ceiling included literature, staffing, office costs and advertising, and returns had to be completed and submitted within 70 days of the declaration of the result (in almost all cases by 25 January 2013).

In order to stand in the election at all, however, candidates had first to pay a deposit of £5,000 when they handed in their nomination papers; this money was to be returned if the candidate received more than five percent of the total valid first preference votes counted, and forfeited if s/he received less than that. The deposit for candidates in Westminster parliamentary elections is £500, whilst for European elections (which use a party list system) it is £5,000 per party or (if a candidate is standing as an individual rather than as part of a party list) per person. There is no deposit for local government elections, and for mayoral elections it is again £500. The exception to this is London where it is a substantial £10,000.

In the case of Labour candidates the Party was able to fund the deposit, but Liberal Democrats and Independents and some of those standing on the Conservative ticket had to find it themselves.²⁵ Where there was a reasonable prospect of achieving five percent of the vote this may not have been too difficult, but for any candidate not able to raise such a sum or not certain of retaining it, the size of the deposit may well have been a barrier to people standing at all.

The spending limits covering campaigning activity were a mathematical calculation based upon the size of each electorate and bore no real relation to anything candidates could reasonably expect to spend. Even people standing on party tickets were unlikely to be able to fund campaigns costing hundreds of thousands of pounds, whilst Independents had little realistic hope of raising the amounts of money involved.

The absence of a freepost mailing to every elector or household (the detailed implications of which are considered later in this report) meant that the onus was on candidates to try to reach every one of hundreds of thousands of voters themselves. It is not currently clear how many of them actually managed this, but it is probable that, given that police area electorates average over 880,000 people, the number was very low, and that even some party-backed candidates found it very difficult.

As a result, campaigns fell into two distinct groups. The main political parties, most of whom have reasonably reliable data about who is most prone to vote for them as well as

²⁴ Electoral Commission Guidance Note *Section A -Your Spending* pp 7-8.

²⁵ Daily Telegraph, 25 August 2012, <http://www.telegraph.co.uk/news/politics/conservative/9497754/Tory-police-candidates-must-find-5000-deposits-while-Labour-fund-theirs.html>

access to at least some volunteer leafleters, were more likely to concentrate on turning out their own votes in their 'own areas'; as a consequence, electors could easily receive literature from only one candidate, with many hearing from none. However, the ability of even the major parties to draw on deep volunteer resources for this work should not be over-estimated, since in some cases there was very little appetite for the PCC elections in the first place, and in almost all cases local parties often complain that there are not enough volunteers for elections in May, let alone November. That said, all three of the main parties were more likely to be able to run basic campaigns on the ground in some areas than any of the smaller parties or Independent candidates.

With no access to either voter intention data or established teams of deliverers, online campaigning became very important for many candidates, with some developing sophisticated 'air wars' using combinations of local media, social networking sites and their own websites to reach people.

It is impossible to tell to what extent the very low level of traditional campaigning may have depressed the turnout, but it is unlikely to have helped it.

As we have seen, the sums of money candidates were allowed to spend on their campaigns far exceeded anything any of them were likely to have available. Any campaign expenses candidates incurred had to be funded (by political parties, by donations, or by themselves) and declared after the elections. The only help candidates received from the state was the inclusion of their photographs and personal statements in the Home Office's website www.choosemypcc.org.uk.

Given that they did not have to file their election expenses return until towards the end of January and that, at the time of writing, these have not been collated and published, it is difficult to tell where campaign expenditure went. However, one elected Commissioner, the Independent Martin Turl in Gloucestershire, has gone public with his costs. Based on an electorate of 491,766 he had a spending limit of £86,344 but in the event spent only £6,439 plus personal expenses of £911. Since he was successful his deposit of £5,000 was returned, and the bulk of his costs were for advertising and manifesto printing.

Although some candidates will certainly have spent much more than this, it remains improbable that any came anywhere near to spending up to the limit.

There is some evidence that fears about the costs of campaigning may in themselves have been enough to deter some potential – mainly Independent – candidates from standing. In South Yorkshire, for instance, where the expenditure limit was £178,637, Gillian Radcliffe withdrew in September on the grounds that:

'An expert in political campaigns has told me that even 'doing it on the cheap' would cost at least £50,000. I simply don't have that sort of money, or anything like it.'²⁶

This apprehension was to some extent borne out by information published in November on the fund-raising of candidates in Kent. The Independent candidate Ann Barnes (who subsequently won) used a legacy of £50,000 from her parents to fund her campaigning, whilst another Independent had spent £4,800 on billboards and borrowed the deposit from his brother. The Labour candidate had received donations from trade unions, and the Conservative had funded £10,000 of his campaign himself with a further £5,000 coming from his father.²⁷ The expenditure limit in Kent was £228,338; even allowing for the fact that no candidate was going to spend anywhere near that amount the sums raised suggest that, particularly in cases where there was little or no support from political parties, successful campaigning required either substantial fundraising capabilities, deep personal pockets or generous friends and relatives, and the prospect of having to raise even tens of thousand of pounds will have been alarming to individuals not accustomed to political fundraising.

Conclusions: The very high personal cost of standing, particularly (but not exclusively) in relation to the size of the deposit, is not unique to the PCC elections, but it does mark a new development so far as the price of democracy is concerned. The absence of the freepost exponentially increased the potential cost of campaigning, making it difficult for all but the wealthiest candidates, whether party-backed or not. These financial disincentives did nothing to help broaden the range of people entering public life, and were at least in part responsible for deterring a wider variety of candidates.

Recommendation 4: The Cabinet Office and/or the Electoral Commission should carry out research to identify what could be done to reduce the financial disincentives for prospective candidates. In addition, the freepost facility should be available to all candidates for the 2016 PCC elections.

²⁶ BBC News 13 September 2012 <http://www.bbc.co.uk/news/uk-england-south-yorkshire-19584628>

²⁷ Kent Online 8 November 2012

http://www.kentonline.co.uk/kentonline/news/2012/november/8/police_chief_funding.aspx#.UJvyBkXFVOQ.twitter

c) The Results

Immediately after the elections the 41 successful candidates took up their posts, taking an oath of impartiality and starting to establish offices and appoint deputies and staff.

Almost five and a half million people had voted in the election, producing a record low turnout of 15.1 percent. The implications for this in terms of democratic mandate are considered further on in this report.

Despite the very low number of votes the counting of them was often surprisingly slow, with declarations in a number of cases not taking place until late on the afternoon of Friday 16 November. The Association of Electoral Administrators attribute this mainly to under-resourcing of the validation and count procedures with which many Returning Officers were unfamiliar, particularly if they had not previously worked with the supplementary vote system.

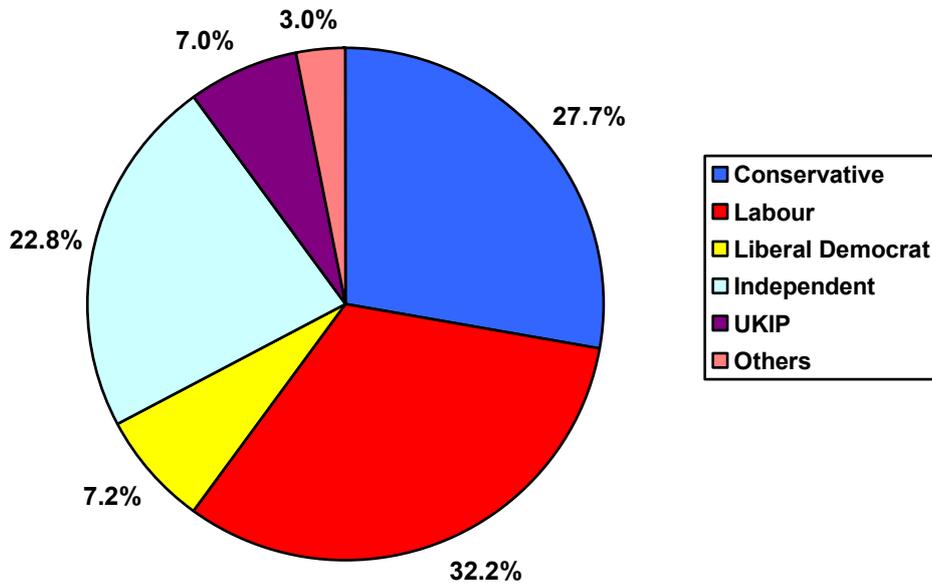
Despite the belief that the public disliked the politicisation of policing and would not therefore vote for political candidates 29 (70.7 percent) of those elected were either Conservative (16) or Labour (13). Independent candidates won in 12 areas, representing a much higher proportion of those elected than in local or parliamentary elections. Generally speaking, they were successful in places which might more usually have been expected to be won by Conservative (or in some cases, Liberal Democrat or Plaid Cymru) candidates, whilst Labour's support was concentrated in its traditional strongholds in the North and Midlands.

Like almost all other elected bodies or groups in the UK, the new Police & Crime Commissioners are white and overwhelmingly male. Just six of them - in Avon & Somerset, Kent, Liverpool, North Yorkshire, Northumbria and Sussex - are women. Two of these (Ann Barnes in Kent and Sue Mountstevens in Avon & Somerset) are Independents, whilst Jane Kennedy in Merseyside and Vera Baird in Northumbria both represent Labour and Julia Mulligan in North Yorkshire and Katy Bourne in Sussex are Conservative.

So far as is known, none of those elected were from a BME community.

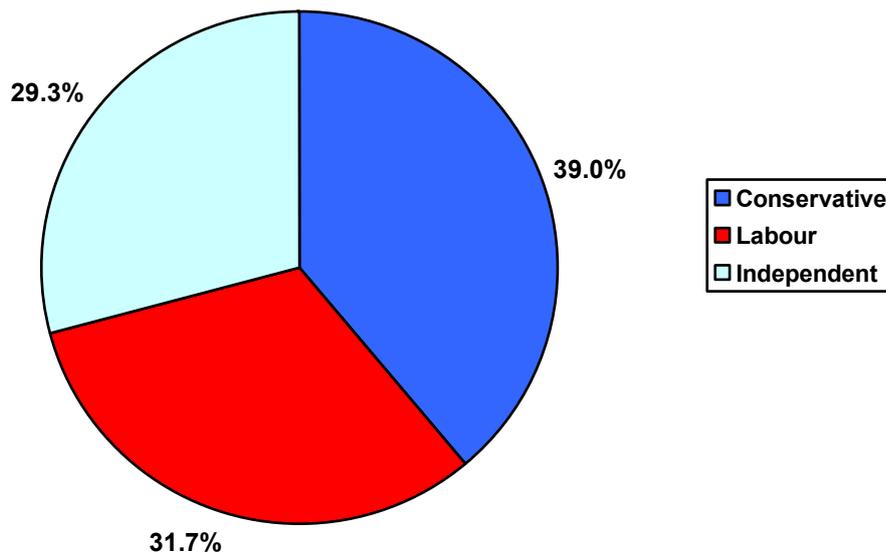
There was some speculation that Independent candidates would do well where there was no Liberal Democrat candidate. Of the 17 police areas where the Liberal Democrats did not stand six were won by Independents, and in fact Liberal Democrats did badly even where they did stand taking just 7.2 percent of the national vote. Figure 2 shows the breakdown of votes by political party.

Figure 2: Share of the Vote by Political Party



The nature of the electoral system used meant that this did not translate into seats, and Figure 3 shows the percentage distribution of seats won by political parties and Independents.

Figure 3: Share of PCCs elected by Political Party



The supplementary vote system used to elect PCCs enables voters to express two preferences. Including the three areas where there were only two candidates, a total of eight Commissioners were elected after only one round of the votes being cast; in all other

cases all but the top two candidates were eliminated after the first preferences had been tallied and second preferences were then counted.

The standout story of the election result was thus the low turnout, and the detail of both this and other issues raised above are considered in the following sections of this report.

Conclusions: The lack of diversity in candidates led to a lack of diversity amongst those elected. Independent candidates did much better in these elections than in any others, becoming effectively a third party. Despite this, however, the electorate still showed a clear preference overall for party-backed candidates. Although the election was run using the supplementary vote system, most successful candidates were to all intents and purposes elected by a first-past-the-post vote.

3. Turnout

The turnout in the PCC elections was abysmal, reaching just 15.1 percent including spoilt papers, or 14.7 percent excluding them.²⁸

From the beginning, a potentially poor level of voting was identified as an issue. It was raised by both MPs and peers as the Bill progressed through Parliament, and elsewhere organisations ranging from the Electoral Commission to the Association of Chief Police Officers (ACPO) sounded a variety of alarms.

In November 2011 ComRes conducted a poll for the Local Government Association which, whilst it did not ask about the policy itself, found that 69 percent of people intended to vote in the elections when they happened (though only 27 percent said that they actually knew anything about them).²⁹

In October 2012 IPSOS Mori published a poll for the Association of Chief Police Officers (ACPO)³⁰ suggesting that 62 percent of people were aware of the elections, a significant increase on the findings by ComRes.

Much of the media coverage in the run-up to the election centred on the probable poor turnout, as did the attention of campaigning organisations such as the Electoral Reform Society, which in August published a report suggesting that turnout could slump to 18.5 percent.³¹ The IPSOS-Mori poll referred to above found that just 15 percent of electors identified themselves as being absolutely certain to vote.³² In response to this and other warnings (over, for instance, the issue of disqualification on account of minor convictions) the then Minister for Policing and Criminal Justice, Nick Herbert, responded that: 'It's the summer silly season and the media are landing on anything they can to whip up a story'.³³ He fought shy, however, of actually saying that turnout would be any higher than the projections.

Thursday 15 November was, across most of England and Wales, a cloudy and relatively mild day. Polls opened at 7 a.m. and closed at 10 p.m., and from first light it was clear that participation was going to be minimal. Throughout the day news sites, social networks and blogs reported stories of low turnouts and there seemed every reason to

²⁸ Figures produced by the Elections Centre at Plymouth University on behalf of the Electoral Commission and published on their website.

²⁹ ComRes polled 1878 adults from England and Wales online between 4th - 6th November 2011.

³⁰ Based on 1281 respondents in England and Wales polled between 5 and 16 October 2012.

³¹ Electoral Reform Society, *How low can you go? Projecting turnout for the Police and Crime Commissioner Elections*, August 2012

³² Based on 1281 respondents in England and Wales polled between 5 and 16 October 2012. The poll was published on 22 October 2012.

³³ Conservative Home, 16 August 2012

<http://conservativehome.blogs.com/platform/2012/08/fromnickherbertmp.html>

believe that IPSOS-Mori's poll prediction would be borne out. By the time the polls closed it was generally accepted that, even allowing for postal votes (which were not included in the footfall estimates at polling stations), turnout would be found to have been very low indeed, and the blame game was in full swing.

Votes were counted overnight in a few areas, but in most on Friday 16 November. When all the counts had been completed it was found that turnout had indeed hit a record low,³⁴ and inevitably, this (rather than who had won or lost) became the major story of the day. The Daily Mail characterised it as a 'Landslide victory for voter apathy; the nation's crushing verdict on elections for police chiefs'³⁵, whilst the Guardian suggested that: 'Police commissioner election turnout casts doubt on legitimacy of poll'.³⁶

Across the country the figures were uniformly dire. The highest turnout was in Northamptonshire (19.5 percent) and the lowest in Staffordshire (11.6 percent). In no case did even a fifth of the electorate vote, and in some cases the candidate who won on the second round of counting received only 22 percent of the vote in the first.³⁷

As with other elections, a significant number of people voted by post. Postal ballots accounted for 48.9 percent of the turnout;³⁸ an unusually high rate even allowing for the fact that postal voters are generally more likely to participate than people who cast their ballot in person. According to the Electoral Commission's figures, about 50 percent of electors with a postal vote actually voted, as against 9.2 percent of electors without one. In the 2012 local elections 35 percent of people who voted did so by post, and although the percentage in general elections is much lower,³⁹ this is because the overall turnout is much higher.

The Electoral Commission immediately launched an inquiry⁴⁰ into what had happened, whilst various other organisations offered opinions.

The Electoral Reform Society commissioned the polling company Populus to poll electors who had not voted. This found that 45 percent of non-voters felt that they did not have enough information to make a decision, whilst 19 percent disagreed with the policy and a further 18 percent were not interested. Just three percent reported that they were not aware of the elections at all.

³⁴ The previous record had been held by the Leeds Central by-election in 1999, where the turnout was 19.9 percent.

³⁵ Daily Mail, 15/19 November 2012 <http://www.dailymail.co.uk/news/article-2233386/Landslide-victory-voter-apaty-The-nations-crushing-verdict-elections-police-chiefs--turnout-14.html>

³⁶ Guardian, 16 November 2012, <http://www.guardian.co.uk/uk/2012/nov/16/police-commissioner-election-turnout>

³⁷ For instance, the Conservative candidate in Humberside and the Independent in Hampshire.

³⁸ House of Commons Library, *Police and Crime Commissioner Elections, 2012*, Research Paper 12/73 29 November 2012 p 13

³⁹ Postal votes counted for 19.8 percent of the turnout in England and Wales in the 2010 general election.

⁴⁰ Although it should also be pointed out that the Commission produces a report after every election or set of elections as a matter of course.

The Electoral Commission asked people why they did vote as well as why they did not and found that the answers were more or less in line with other elections. 75 percent of those who cast their ballots did so from a sense of civic duty, with 30 percent wanting to express a view. Only 4 percent did so to send a message to the government, and the Commission noted that this was actually a much lower figure than the 16 percent of people who cited this as one of their reasons for voting in the May 2012 local elections.⁴¹

People who did not vote said that the main reason was a lack of awareness (37 percent) followed by 'circumstances' (31 percent). Both figures were significantly different from those for the May 2012 local elections (7 percent and 53 percent respectively). Interestingly, only 8 percent identified themselves as 'uninterested'⁴²; this is a much lower figure than in the Populus poll quoted above.

Some caution needs to be exercised in interpreting all this information. The fact that a person did not vote in one election does not necessarily mean that s/he would vote in any others; if it did, turnout at all elections would be much higher than it actually is. Moreover, people's recollections of their voting behaviour do not always accord with what they really did; for instance, in its annual *Audit of Political Engagement* the Hansard Society found that 56 percent of people claimed to have voted in the most recent local elections, whilst turnout at them averages 26 percent.⁴³

It is also true that although some people are fixed non-voters and never vote at all, others vote at all elections as a matter of principle, and this is reflected in the Electoral Commission's post-election findings that 75 percent of people who voted did so out of 'civic duty'. The larger political parties are all able to identify electors with an underlying propensity to take part in elections, if only to enable them to concentrate scarce campaigning resources on those most likely to translate support into votes, but this information is not generally available to researchers and polling companies. As a result, most surveys make no distinction between those who are known to vote frequently⁴⁴ and those who vote rarely, and this is bound to affect the outcomes they report.

The depressed turnout has been attributed to a number of causes including the timing of the elections, lack of information, the electoral system used, opposition to the policy itself, and concerns about the politicisation of policing. All of these factors and others are considered in more detail below.

⁴¹ Electoral Commission, *Police and Crime Commissioner elections in England and Wales: Report on the Administration of the elections held on 15 November 2012* March 2013 p33

⁴² *Ibid*, p 35

⁴³ *Audit of Political Engagement 9: The 2012 Report Part One*, Hansard Society, p 19

⁴⁴ The only way of being certain that a person voted is to consult the marked register, which records who voted (but not how). This record is made available to political parties after each election, so that the larger parties tend to have very accurate information on long-term propensity to vote.

a) Democratic Legitimacy

Low turnout raises several questions about democracy and how it operates, and one of these concerns democratic legitimacy. If so few people actually participate in elections, can the outcomes be said to constitute a mandate? This issue was raised at various points during the elections, and repeatedly after them, with the government adamant that (in the Home Secretary's words) 'For the first time ever they (PCCs) will have a democratic mandate from the people' and others (e.g. the Electoral Reform Society), claiming that 'It is difficult to see how this can be the case when in less than one in ten voters voted for their PCC'⁴⁵.

When specifically asked whether turnouts of 10 or 15 percent would confer a democratic mandate, the Home Secretary observed:

'I never set a turnout threshold for any election, and I'm not going to do it now. What I do know is that the people who are elected as police and crime commissioners would have something that the current police authorities do not have. For the first time ever they will have a democratic mandate from the people for the work that they're doing.'⁴⁶

It has never been the practice in UK elections to define what level of turnout or what share of the vote would be sufficient to confer a democratic mandate. This has not always been the case with referendums, however. The 1979 devolution ballots in Scotland and Wales included a requirement that, for the decision to be binding, 40 percent of persons entitled to vote should vote 'Yes'. In the event, both referendums failed to meet this threshold and the government of the day fell as a result.

Perhaps because of this, governments ever since have been reluctant to consider thresholds for any but very specific small scale ballots.⁴⁷ They have never been used for any UK election, nor do they apply for mayoral referendums in towns and cities. They were not used for the devolution ballots in Scotland and Wales in 1997, the referendum on the Good Friday Agreement in 1998, or the North East Regional Assembly referendum in 2004. From time to time there have been attempts in Parliament to introduce them (for instance by Gordon Prentice MP in 2004), but these have always failed, nor has there ever been much in the way of a public campaign for them except occasionally around specific events where thresholds are wanted for purely political purposes – Gordon Prentice wanted one for regional government referendums at least in part because he did not believe that it would be reached, and that the outcome in any regions that voted 'yes' could therefore be invalidated.

⁴⁵ *How not to run an election: The Police & Crime Commissioner Elections*, Electoral Reform Society, 25 February 2013

⁴⁶ BBC Radio 4, *Today* programme, 6 November 2012

⁴⁷ Mainly 'tenants choice' ballots brought in in 1988 and school opt-out ballots in the 1990s.

Despite regular concern over falling turnouts, and questions over their possible impact on the democratic legitimacy of a range of elections, there is currently no serious move either to introduce thresholds or compulsory voting,⁴⁸ and whilst it certainly is true that a 15.1 percent turnout does not represent a high level of support, it does - given that at present the majority required is of those participating rather than those entitled to participate - constitute a mandate. Whether or not this should continue to be so is a matter for debate elsewhere.

Conclusions: Since there is no threshold for turnout at UK elections, Police and Crime Commissioners must, even on a very low turnout, be considered to have a valid democratic mandate.

b) Timing

One of the more important changes made during the legislative ping-pong was to the timing of the elections.

For the last thirty years local elections in England and Wales have been held on the first Thursday of May.⁴⁹ Mayoral elections (except for the one immediately following a referendum) are also held on that date. European elections are held on the first Thursday in June, and local elections can be moved to be held on the same day. May is also the date for elections to the Scottish Parliament, Welsh Assembly and Northern Ireland Legislative Assembly. UK general elections have usually been held in the spring or summer months, and the Fixed Term Parliament Act 2011 means that, in the normal run of things, this will continue to be the case.

The original intention was to hold the PCC elections on 3 May 2012 to coincide with the local elections. However during the Bill's passage through Parliament the date was moved to 15 November. The Minister of State at the Home Office, Baroness Browning, said that the change would allow:

‘enough time to ensure that all necessary preparations are in place. These reforms cannot wait, but they must be effective. The elections must be properly administered. A November election will ensure that this is the case, without having to wait a further year for these urgent reforms.’⁵⁰

⁴⁸ Used in Belgium and Australia, amongst others.

⁴⁹ This date was fixed by the Representation of the People Act 1983. Prior to that the years in which elections took place had been fixed by law, but not the day.

⁵⁰ Hansard, 14 September 2011, Col 767

The change was made in part because it was anticipated that the dozen authorities scheduled to hold mayoral referendums on 3 May would vote 'yes', and that the elections for those posts would therefore take place on that date, but it may also have had less acceptable motives; it has been suggested, for instance, that at least one political party voted to change the date so that their council candidates would have more chance of a clear run on 3 May.⁵¹

In May 2012 voters in all but one of the cities⁵² holding referendums voted 'no' to introducing elected mayors. As a result the police commissioner elections in November were held on their own⁵³ rather than as part of a wider series of local constitutional changes. This isolation was particularly marked since the elections were, in the end, the sole survivors of what had been an extensive programme of constitutional reform including changes to the voting system, reform of the House of Lords, a reduction in the number of parliamentary seats, consequential redrafting of the constituency boundaries, and a doubling of the number of elected city mayors.

The Electoral Commission itself expressed concern about the change on the grounds that it would cause problems (including extra expense) for Police Area and Local Returning Officers responsible for administering the elections, and that little time had been allowed for proper Parliamentary scrutiny of the necessary statutory instruments.⁵⁴

It also referred to the elections as 'new and untested' but did not specifically oppose the timing on the grounds that a November poll might have an adverse impact on turnout.

Recent experience of winter elections is limited; all general elections since October 1974 have been held in the spring or early summer. The last one run in November was in 1935.⁵⁵ Additionally, although mayoral elections immediately following a referendum vote may be held at any time of year these are few and far between; none apart from Bristol in 2012 has been held in November or December.

However, by-elections of all kinds can be held at any time of year, and are often run in the winter months. An analysis of the fifty Parliamentary by-elections held since the 1997 general election shows that, discounting the by-elections held on the same day as the PCC elections, the lowest turnout was in Leeds Central in June 1999 (19.9 percent), followed by Wigan in September 1999 (25 percent) and Tottenham in June 2000 (25.4 percent). The

⁵¹ BBC Politics 7 September 2011 <http://www.bbc.co.uk/news/uk-politics-14819550>

⁵² Birmingham, Bradford, Coventry, Leeds, Manchester, Newcastle-upon-Tyne, Nottingham, Sheffield and Wakefield all voted 'no'; only Bristol had a 'yes' vote. The government had originally wanted Liverpool and Leicester to hold referendums on the same day; however, both pre-empted the requirement and introduced mayors in advance.

⁵³ Although as it turned out three Parliamentary by-elections were held on the same day, in Cardiff South and Penarth, Corby and Manchester Central.

⁵⁴ *Electoral Commission response to the Home Office consultation on the Police and Crime Commissioner Elections Order 2012 and Police and Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012* 9 July 2012

⁵⁵ Although there have been two in February (1974 and 1950) and one in March (1966)

highest were in Winchester in November 1998 (68.7 percent), Crewe and Nantwich in May 2008 (58.2 percent) and Livingston in September 2005 (58.1 percent).

It might be thought reasonable to expect turnout to be more comparable with local rather than Parliamentary by-elections. In fact, an analysis of council by-elections⁵⁶ held in both summer and winter months in recent years also suggests that timing has a relatively minor impact on turnout, as Table 3 shows.

Table 3: Local Authority By-election turnout in months in 2011, 2012 & 2013

Month & Year	Number of Council By-Elections	Average Turnout
June 2011	15	30.2%
November 2011	14	26.4%
June 2012	15	24.0%
November 2012	32	25.3%
December 2012	15	23.8%
January 2013	11	24.1%

Turnout for the local elections held in May 2012 was higher than turnouts for either the PCC elections or council by-elections held on the same day - 31.1 percent in England, and 38.6 percent in Wales.⁵⁷ Whilst it is tempting to believe that turnout for the PCC elections would have reached these levels had they been held on the same date, the evidence suggests that some people who habitually vote in local elections would still have decided not to participate; the turnout for the PCC elections was 15.1 percent, but 24.5 percent for council by-elections held on the same day in the same place.

Candidates and political parties certainly found the timing of the elections inconvenient if only because it is more difficult to motivate volunteers to canvass and distribute leaflets when the days are short and the weather poor. However, this is the case for all elections held in the winter months and, in the light of the figures in Table 3, is unlikely in and of itself to have been a factor in depressing turnout for the PCC elections.

Rallings, Thrasher and Cowling in their analysis of turnout in mayoral referendums and elections observed that: 'Turnout does not appear to be adversely affected by seasonal factors.'⁵⁸ The Electoral Commission reported that none of the respondents to its survey identified problems with the weather or the time of year as a factor in the decision not to vote.⁵⁹

⁵⁶ Lists compiled from local authority websites

⁵⁷ Electoral Commission *Summary report on the administration of polls held on 3 May 2012* (September 2012)

⁵⁸ Colin Rallings, Michael Thrasher * David Cowling, *Mayoral referendums and elections: Uninterested electors and unknowing voters*, Elections Centre, University of Plymouth, September 2012

⁵⁹ Electoral Commission, *Police and Crime Commissioner elections in England and Wales: Report on the Administration of the elections held on 15 November 2012* March 2013 p 36

Conclusions: The time of year at which the elections were held was not a factor in the low turnout, although it may have inhibited some forms of campaigning by some candidates and parties.

c) Freepost, Websites and Awareness Campaigns

One of the most controversial aspects of the campaign was the absence of a freepost facility.

In all UK elections above that of local councillor⁶⁰ candidates are allowed to send one piece of election literature through the post to each elector free of charge. This service enables candidates with very moderate resources to make their case to every voter at least once. In some cases these communications may be combined to take the form of a booklet containing statements for all candidates, but still represent an opportunity for each candidate, regardless of means, to tell the voters what s/he stands for.

The government's intention always was that there would be no freepost facility of any kind for PCC candidates. The Home Office proposed to make information on candidates available through a central website, but a wide range of people, including political parties, Independent candidates, Police Area Returning Officers (PAROs) and the Electoral Commission itself expressed concern. However, despite strong campaigning (especially from some Independents) the Home Office did not relent.

Governments of all complexions have been ambivalent about electoral freeposts, which are undoubtedly expensive. In 2000 the then Labour government proposed the abolition of the freepost for the first London mayoral elections but after a heated debate had to agree to the issue of a candidates' booklet, which would be cheaper than individual election addresses. The current position for mayoral elections across the country is that the returning officer for each election will produce such a booklet, and the Electoral Commission's guidance stipulates that:

'The Returning Officer will produce a booklet with the election addresses of all candidates who want to be included in it and who have contributed to the production cost of the booklet

⁶⁰ Those for elected mayor, MEP, MP, Member of the Scottish Parliament (MSP) and, in Wales, Assembly Member (AM)

‘The booklet will be sent to all registered electors in the area and the Returning Officer will pay the postage cost.’⁶¹

In practice, this booklet is not always actually produced; in the 2010 mayoral election in Watford, for instance, it was not published after the Green and Liberal Democrat candidates withdrew from participating. Of the four authorities with mayoral elections on 6 May that year Watford achieved the highest turnout (65.2 percent) followed by Lewisham (60.7 percent), Hackney (58 percent) and Newham (50.4 percent). Lewisham, Hackney and Newham all produced election address booklets.

Clearly Watford’s experience does not on its own suggest that a freepost facility is irrelevant to turnout, and there are in any case some key differences between mayoral and PCC elections. In particular, local parties are generally better able to mobilise workers to deliver literature in mayoral elections; the area to be covered is much smaller, and the candidate is more likely to be known by the majority of party workers. Many PCC candidates, however, were more or less unknown outside their home constituency or local authority even within their own parties, and since some PCC areas are geographically vast, the logistics of hand delivery are difficult. The sheer size of PCC electorates (over 2.5 million in Greater Manchester, for instance, and still over half a million in smaller police areas such as Gwent and Suffolk) meant that for most candidates contacting every voter was prohibitively expensive and effectively impossible.

Indeed, the cost of a freepost delivery was in itself the subject of some dispute. The government estimated the cost to be £35 million for a leaflet from each candidate and £12 million for a booklet in each area.⁶² The Electoral Commission challenged this figure, believing that the cost of sending a booklet to each household would be nearer £9 million.⁶³ They also point out in their report their view that the cost of both the Commission and the Home Office promoting information about the elections themselves could have been almost halved had there been just one advertising campaign.

It might have been supposed that some research would have been done to establish what kind of information people needed in order to vote as well as how that information could best be delivered. However, the Electoral Commission’s report says that:

‘We have seen no evidence to demonstrate that the information needs of voters at these elections were adequately considered by policymakers when deciding whether or how to support the provision of candidate information directly to electors.’⁶⁴

⁶¹ The Electoral Commission, *Mayoral elections in England, Guidance for candidates and agents, Part 4 of 6 – The campaign*, Paras 1.36 to 1.39

⁶² Nick Herbert MP, 26 June 2012, to Second Delegated Legislation Committee

⁶³ Electoral Commission, *Police and Crime Commissioner elections in England and Wales: Report on the Administration of the elections held on 15 November 2012* March 2013 p 43

⁶⁴ *Ibid* p 55

The government's alternative of making the candidates' statements available online put the onus of finding information out onto the individual elector. Not surprisingly there were warnings that this would exclude some people, and the Electoral Commission reminded the government that there were up to 7 million adults in England and Wales (outside London) without effective access to the internet.⁶⁵

However, some caution needs to be exercised before it is accepted that making information available only on the internet necessarily excluded significantly more people than producing it only in print. The National Literacy Trust says that around 5.2 million adults in England alone are 'functionally illiterate' – that is, they have:

'literacy levels at or below those expected of an 11-year-old. They can understand short straightforward texts on familiar topics accurately and independently, and obtain information from everyday sources, but reading information from unfamiliar sources, or on unfamiliar topics, could cause problems. Many areas of employment would not be open to them with this level of literacy and they may also struggle to support their children with reading and homework, or perform other everyday tasks.'⁶⁶

There will inevitably be some overlap between these individuals and those without internet access, but it is still reasonable to say that there is a significant number of adults for whom information supplied through either route is effectively inaccessible. Both methods of distributing election information have drawbacks, and a real comparison could only have been made if some research had been done to establish what people actually needed. As we have seen, this work was not done.

One piece of information which did go out to all households was the Electoral Commission's own booklet about the elections.⁶⁷ This explained what the elections were, how to vote and how to find out who was standing, and advised people that they needed to be registered to vote by 31 October. It started to go out on 22 October, and was accompanied by a TV campaign and local radio and press activity to raise awareness.

The Home Office also produced an advertising campaign, which ran from 6 October. Unfortunately this gave very little information about the elections and none at all about candidates. It concentrated on images of violent crime and anti-social behaviour and although it directed people to the website for more information it did so only at the very end.⁶⁸ However, this campaign finished on 24 October, which was two days before

⁶⁵ Electoral Commission response to the Home Office Consultation on the Police & Crime Commissioner Elections (Functions of Returning Officers) Regulations 2012, para 3.3

⁶⁶ National Literacy Trust website http://www.literacytrust.org.uk/adult_literacy/illiterate_adults_in_england

⁶⁷ <http://www.aboutmyvote.co.uk/PDF/PCC-booklet-public-info-FINAL-ENGLAND-English-web.pdf>

⁶⁸ The TV advert can be viewed at <http://www.homeoffice.gov.uk/police/police-crime-commissioners/news/tv-adverts-launched>

candidate information was available online. As a result, even those electors who wanted to learn about candidates could not do so at the point at which they were interested.

Another problem with it was that there was a three-day overlap between the Electoral Commission and Home Office campaigns, so that there were several days in which electors could become very confused indeed. Both were also entirely national and made no reference to local candidates or issues. As a consequence it was quite easy for people either to fail to understand either that the advertisements related to them, or to know that they were about an election in which they had the opportunity to vote.

The Home Office set up a helpline number people could call with queries or to order paper copies of candidates' statements, and this was available from 22 October. The website www.choosemypcc.org.uk went live on 26 October 2012 and carried details of all the candidates and their statements. These dates were both less than a month before the election, and PAROs reported that they were receiving 'a considerable volume of enquiries and complaints by members of the public who were extremely unhappy about the lack of information about the candidates standing in their area.'⁶⁹

There were also concerns about the quality of information on the website. It did not include links to candidates' own websites, where electors could have found out much more information than was given in the brief statements on the Home Office site, and although it was possible to order hard copies of candidate information through either the website or the phone line neither of these avenues proved entirely successful in ensuring that those who wanted information got it in time.

According to the Home Office, the website received 2 million hits and 200,000 people phoned the helpline to request printed information about candidates.⁷⁰ Evidence from the Electoral Reform Society's survey of candidates suggests that some of these may not have actually reached electors until after polling day, with most candidates who ordered materials not receiving them until after the election was over.⁷¹ The AEA also identified problems with this, with materials in some cases taking up to two weeks to arrive.⁷²

There were also alternative, more informal sources of information. Former police officer Sam Chapman ran the Top of the Cops blog (launched in January 2012) which tracked actual and potential candidates, raised issues such as the problems posed by the disqualification rules, and reported on a variety of matters (including gossip) about the

⁶⁹ AEA, *A Question of Timing? The administration of the Police Commissioner elections in England and Wales* February 2013, p 101

⁷⁰ Hansard, House of Lords, 4 December 2012, Col 538 (Lord Taylor in response to a question from Lord Elystan-Morgan)

⁷¹ *How not to run an election: The Police & Crime Commissioner Elections*, Jess Garland and Chris Terry for the Electoral Reform Society, 25 February 2013 p 10

⁷² AEA *A Question of Timing? The administration of the Police Commissioner elections in England and Wales* February 2013, p 102

elections. This was an invaluable resource for candidates, political activists, the police, journalists and others, but could not – and indeed was not intended to – provide an electoral resource for the general public.

In the light of the deluge of information (including from the media; see below) it is hard to argue that people did not know about the elections. The Home Office's TV advert had over a quarter of a million hits on YouTube, and in October 2012 IPSOS Mori published its poll⁷³ suggesting that 62 percent of people were aware of the elections, though only 15 percent were intending to vote. After the election the ERS's Populus poll found that only three percent of non-voters said that they had not known about the elections. The Electoral Commission's polling found that whilst 28 percent of people said that they knew nothing at all about the elections, 27 percent thought that they had enough information to be able to make an informed decision – in other words, turnout was still below awareness, even allowing for relatively low levels of knowledge.⁷⁴

Conclusions: The available evidence suggests that a majority of people were aware of the fact that PCC elections were taking place, even if they felt that they did not have enough knowledge.

Freepost ensures that every elector has the chance to hear directly at least once from every candidate, and this chance is lost when there is no freepost mailing. Providing candidate statements on the internet made it harder for people to find information, and this was probably a factor in people's decision not to vote. Moreover, a number of opportunities for pointing people in the direction of local, relevant and accessible information were lost, most notably through the Home Office's high profile advertising campaign and a lack of coordination with the Electoral Commission.

Recommendation 5: More work should be done to establish exactly what information electors need at elections, what they want, and how it is best delivered.

Recommendation 6: Where more than one government department is involved in running an election they should take steps to ensure that they co-ordinate properly and efficiently both with one another and with the Electoral Commission.

⁷³ Based on 1281 respondents in England and Wales polled between 5 and 16 October 2012.

⁷⁴ *Police and Crime Commissioner elections in England and Wales: Report on the Administration of the Elections held on 15 November 2012* The Electoral Commission, p 38-39

d) Information: The Media

The other route through which people could access information about the elections, and, to some degree, about candidates, was the media. There is a common perception that there was very little media interest in the elections; in point of fact there was an enormous amount of coverage, ranging from very localised campaigns to persuade people to register to vote to debates with candidates on the 24-hour news channels and local radio..

In its 2012 *Audit of Political Engagement* the Hansard Society found that, in terms of the news media, most people (75 percent) get their political information from television, with 27 percent getting it from tabloid newspapers, 26 percent from radio, and 20 percent from the broadsheets. 47 percent thought that the media generally 'don't preset the full facts', 68 percent said that the tabloids were 'more interested in getting a good story than telling the truth' and 55 percent believed that television 'helped the public to learn about what is happening in politics'.⁷⁵

Initial national coverage of the PCC elections concentrated on the issues raised during the passage of the Police & Social Responsibility Bill through Parliament and related mainly to the political processes around the progress of the Bill through its various stages. But once these were completed, and as polling day approached, the media began to take more notice of the elections themselves, and they were reported on extensively. Many of the individual items still related to the political aspects of the introduction of PCCs, but there was also information about their role and functions and about the elections. In the run-up to polling day BBC News24 carried in-depth features with the candidates in various areas.

Throughout the campaign, local papers, radio and television covered the contest in their own areas, giving details of candidates and sometimes publishing their statements.

However, by no means all of the coverage was positive, and much of it tended to concentrate on how low the turnout would be, how 'confusing' the voting system was, the 'shambolic' organisation of the elections and how little appetite there was for police commissioners in principle. With some exceptions, the overall impression was relentlessly negative, with widespread predictions of lack of interest and low turnout becoming almost a self-fulfilling prophecy.

These apprehensions and predictions were reinforced at local level in the later stages of the campaign, where national messages about both the post and the elections themselves were frequently reiterated.

Some of the coverage was more about polls and predictions about the election than the election itself. The Electoral Reform Society, for instance, ran an online campaign which

⁷⁵ *Audit of Political Engagement 9; The 2012 Report: Part 2 The media and politics* Hansard Society, 2012 pp 13-21

counted down daily to ‘an election no one's heard of...’. This was picked up and run as news by some sections of the media, and the ERS’s prediction of an 18.5 percent turnout was also widely quoted. The campaign perfectly legitimately highlighted some of the problems with the elections but also conflated opposition to the policy with anger about the way in which the elections were being run and suggested that there was widespread ignorance about them.

In fact, as we have seen, there was not a lack of information about either the policy or the elections. People were able easily to access it either through the official advertising campaigns or (more likely) through the news media they were most likely to read or watch. But the absence of the freepost meant that there was a serious lack of information about the candidates which it was not actually the media’s job to address (even if it could), and this feeling of not knowing enough was reinforced by the relentless negativity of much of the coverage in the national press. Indeed, seen through the media prism the elections almost became a blend of a referendum on the principle and decisions about individual candidates about whom very little was known.

Conclusions: Although there was a high level of media coverage of the elections, much of it was very negative. Constantly telling people that they did not know or understand enough about what was happening was bound to reinforce uncertainty, particularly when matched by a lack of available detail about candidates.

e) Principle, Protest and the Politicisation of Policing

The very low turnout in the PCC elections has been interpreted in many quarters as a form of protest against either the policy of Police and Crime Commissioners itself, or the possible politicisation of operational police decisions, or both. Certainly the principle was opposed in various quarters from the time of its first being proposed by Policy Exchange in 2003, and hostility to it existed not only in opposition parties in Parliament, but also in one of the governing parties as the legislation was being enacted. In addition, crime and policing organisations, local government, politicians and others all expressed alarm at the possibility of policing becoming subject to political rather than operational priorities and decision-making.

Since the major political parties were unlikely to stand aside for Independents it was inevitable that all seats would be contested by political candidates, so that the question of politicisation was bound to remain an issue throughout the election period and beyond, and to be a possible factor in the turnout level.

Police and Crime Commissioners were introduced following manifesto commitments, the coalition negotiations and an eight-week consultation period on a white paper. The only other area in which comparable changes to sub-national political and decision-making structures have been made recently is the introduction in 2001 of elected city mayors outside London. These were brought in by the then Labour government in the expectation that they would be popular with the electorate; in fact voters did not turn out to be as enthusiastic about them as politicians. In the 39 referendums held between 2001 and May 2010 only 13 (33.3 percent) produced a vote in favour of the change. Excluding the two authorities where the referendum was held on the same day as a general election,⁷⁶ the average turnout was 27.8%.

After the 2010 general election the Coalition Agreement stated that:

‘We will create directly elected mayors in the 12 largest English cities, subject to confirmatory referendums and full scrutiny by elected councillors’⁷⁷

The intention was effectively to disregard the fact that the majority of communities had voted against elected mayors and to impose them on the cities involved. The electorate was only to be consulted retrospectively; not surprisingly there were objections and in the event the referendums were held on 3 May without the mayoral role having been created in advance.⁷⁸ All but one of them voted against the change, and the average turnout was 28.5 percent.

When it came to PCCs, the government took the view that the pledges included in the Conservative manifesto⁷⁹ and the Coalition Agreement⁸⁰ were a sufficient mandate, and voters went into the PCC elections without having had a direct say in the changes other than through their vote at the general election.

The Hansard Society’s *Audit of Political Engagement 2012* found that 72 percent of people agreed that referendums should be used to decide important questions.⁸¹ The fact that, following prolonged uncertainty, the government was forced to hold referendums in ten of the twelve English cities in which it had intended to impose city mayors suggests that they were not unaware of the fact that even at local rather than national level the electorate expects to be consulted about significant constitutional change. Given that the introduction of Police and Crime Commissioners resulted in extensive change to long-

⁷⁶ These were Berwick (2001) and the Isle of Wight (2005). Both returned ‘No’ votes with turnouts in excess of 60 percent.

⁷⁷ *The Coalition: Our Programme for Government* p 12

⁷⁸ Leicester and Liverpool had by that time already opted for an elected mayor, and referendums were therefore actually held in only ten cities.

⁷⁹ *Invitation to Join the Government of Britain*, p 57

⁸⁰ *The Coalition: Our Programme for Government* p 13

⁸¹ *Audit of Political Engagement 9; The 2012 Report: Part One* The Hansard Society, p62

standing arrangements it is therefore perhaps surprising that there was no move to hold a referendum before the measure was put through Parliament.

There may have been some concern that low turnout in a referendum on PCCs would result in a lack of democratic legitimacy for the outcome. But a glance at the detail of the 51 mayoral referendums held between 2000 and 2012 shows that only five had turnouts of less than 15 percent,⁸² whilst in 25 turnout was over 30 percent.⁸³ If a turnout of 15.1 percent in the PCC election can be construed as conferring a democratic mandate, then turnouts of 20 or 30 percent plus in referendums certainly could.

It might have been feared that holding 41 separate referendums could have resulted in some areas voting for PCCs and others against, thus producing a patchwork of policing models across the country. However, this already happens with city mayors, and since each individual PCC produces his/her own policies and priorities, policing on the ground is in any case subject to a form of postcode lottery. Moreover, if that had been seen as a serious problem it would have been possible to hold one referendum across the country with the result binding on all 41 police areas.

It is worth noting in this context that, because the Mayor is personally responsible for policing, London has effectively had a PCC since 2000. However, the electorate of London voted for this in the referendum held first before the election; the referendum had a turnout of 34.1 percent and the validity of the outcome has long since ceased to be questioned.

Government politicians suggested that turnout might be lower than usual because these were the first elections for this post. Whilst this may well have been the case it is notable that, although turnout does tend to be on the low side when posts are introduced, the PCC turnout was significantly lower than on comparable occasions. Thus turnout for the first mayoral election in London in 2000 was 34 percent, with other results over the ensuing decade ranging from 42 percent in Middlesbrough in 2002 to 18.5 percent in Mansfield in the same year.⁸⁴ Almost all mayoral elections were preceded by a referendum, and the average turnout at the inaugural elections (28.5 percent) was similar to the average turnout in the referendums (27.3 percent).⁸⁵

In the light of this, and of the Hansard Society's findings, it must be considered possible that at least some of the people who did not vote on 15 November did so as a form of protest against the imposition of real constitutional change without at least some form of meaningful participative consultation.

⁸² Ealing (9.8%), Sunderland (10.0%), Southwark (11.2%), Mansfield (11.5%) and Kirklees (13.0%).

⁸³ Of these 3 (Berwick, the Isle of Wight and Tower Hamlets, all held on the same day as general elections) had turnouts of over 60%.

⁸⁴ Excludes elections held on the same day as a parliamentary general election.

⁸⁵ See Appendix 2 for details of turnouts in mayoral referendums and inaugural elections.

Opposition to PCCs in political circles was well chronicled by the media, but it is hard to come by any reliable information about public perception of it other than through occasional pieces of polling. In September 2010 – that is, before the legislation began its journey through Parliament – IPSOS Mori published the results of a series of discussion workshops it conducted for the Association of Police Authorities (APA) as part of the government’s consultation process on its white paper.⁸⁶ This found that there was an appetite for greater visibility in police accountability, and that there was a strong preference for a ‘local figurehead’ to be the vehicle for that. However, there was very little inclination for an individual who would be solely responsible, and the most common preference was for a structure similar to that which then existed, though possibly with the addition of a named person. The report found that:

‘Interestingly, the desire for visibility and transparency did not necessarily translate into support for greater democratic involvement. Factors, such as a preconceived cynicism towards any Government devolving responsibility, and a questioning of the knowledge base on which an electorate would begin to decide who should take responsibility, made participants question this.’⁸⁷

Participants also thought that:

‘The figurehead would exert any powers, such as determining budgets or setting local priorities, through a process of negotiation with the advisory panel and Chief Constable of a force area.’⁸⁸

This is more or less the structure that the Police & Crime Responsibility Act established, with the difference that the ‘figurehead’ individual is elected rather than appointed. This difference is significant because the report also identified that:

‘...the need for independence was a particular focus for participants throughout discussions. Firstly, there was strong feeling that the role of a figurehead could not be carried out by someone with an obvious political allegiance.’⁸⁹

From time to time various bodies and individuals raised the issue of politicisation as a matter of concern; these ranged from warnings in May 2011 from the Association of Police Authorities⁹⁰ to individuals on blogs advising people to spoil their ballot papers.⁹¹ Eventually even the government found it difficult to argue that political impartiality would

⁸⁶ IPSOS Mori for the Association of Police Authorities *Police accountability and governance structures: Public attitudes and perceptions* September 2010

⁸⁷ IPSOS Mori for the Association of Police Authorities *Police accountability and governance structures: Public attitudes and perceptions* September 2010, p 3

⁸⁸ Ibid

⁸⁹ Ibid p 2

⁹⁰ Association of Police Authorities, Briefing note for Peers at Committee Stage, May 2011

⁹¹ e.g. Janice Gwilliam, Guardian Northerner blog 5 November 2012 <http://www.guardian.co.uk/uk/the-northerner/2012/nov/05/police-and-crime-commissioners-police-spoilt-ballot-paper-north-yorkshire?INTCMP=SRCH>

happen pretty much automatically, and on 16 August the Home Office conceded that the concern was genuine and announced that every successful candidate would be required to swear (or affirm) an oath which read:

'I (Name) of (Place) do solemnly and sincerely promise that I will serve all the people of Police Force Area in the office of Police and Crime Commissioner without fear or favour. I will act with integrity and diligence in my role and, to the best of my ability, will execute the duties of my office to ensure that the police are able to cut crime and protect the public. I will give a voice to the public, especially victims of crime and work with other services to ensure the safety of the community and effective criminal justice. I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public. I will not seek to influence or prevent any lawful and reasonable investigation or arrest, nor encourage any police action save that which is lawful and justified within the bounds of this office.'

Despite this, scepticism about political impartiality remained, and was cited in some cases as the reason for candidates withdrawing at various points before the elections.⁹² Others used it as a campaigning tool; Ann Barnes in Kent, for instance, secured endorsements not only from high-profile independent politicians such as Martin Bell and Siobhan Benita but also from both Labour and Conservative activists who supported her on the grounds that policing should not be politicised.⁹³ In October Lord Blair (a former Commissioner of the Metropolitan Police) said on Sky News: 'I've never said this before but I actually hope people don't vote because that is the only way we are going to stop this.'⁹⁴ In November journalists such as John Harris in the Guardian⁹⁵ and Paul Vallely in the Independent⁹⁶ explained in detail why they intended to abstain, and whilst there were other voices such as Daniel Hannan in the Telegraph⁹⁷ urging people to make sure they did vote, they did not always deal with the politicisation issue head on.

Both Labour and the Conservatives fielded full slates of candidates, but the Liberal Democrat Party did not. Some Liberal Democrat members stood without the Party label; in North Wales Winston Roddick stood (and won) as an Independent whilst retaining his

⁹² For example, Simon Weston in July 2012

⁹³ See http://www.annbarnes.co.uk/annbarnesblog.php?entry_id=1352881153&title=martin-bell-siobhan-benita-john-palmer-david-robertson-explain-why-politicians-should-not-run-kent-police-ann-barnes-for-kent-police-commissioner

⁹⁴ <http://news.sky.com/story/1000429/former-met-police-boss-says-dont-vote> 21 October 2012

⁹⁵ <http://www.guardian.co.uk/commentisfree/2012/nov/05/elections-police-commissioners-political-charade> 5 November 2012

⁹⁶ <http://www.independent.co.uk/voices/comment/why-i-wont-be-voting-for-a-police-commissioner-8303652.html> 11 November 2012

⁹⁷ <http://blogs.telegraph.co.uk/news/danielhannan/100187739/if-you-dont-vote-in-next-weeks-police-elections-dont-complain-if-your-local-constabulary-spends-its-budget-on-speed-cameras-and-racism-awareness-counsellors/> 5 November 2012

membership of the Liberal Democrat Party, whilst in Merseyside Kiron Reid stood (and lost) as an Independent after resigning his membership.

Indeed, as has already been noted, one of the distinguishing features of the election was the number of successful Independent candidates – 29.3 percent as opposed to 0.5 percent in the 2010 general election and 4.4 percent in the 2012 local elections. It is entirely possible that this phenomenon represents a form of protest against the politicisation of policing, but unless and until some specific research is done with those who voted for Independent candidates it is impossible to be certain about this.

What polling there is available gives a sketchy and sometimes contradictory picture. In June 2012 YouGov carried out a poll for the think tank Policy Exchange. This found that 34 percent of people thought that PCCs were a good idea, 34 percent were against, and the remaining 32 percent did not know.⁹⁸ The Populus poll commissioned by the Electoral Reform Society after the elections found that 19 percent of non-voters disagreed with the policy. The AEA report said that anecdotally some Returning Officers reported low level disagreement with the concept of politicising the police,⁹⁹ but when the Electoral Commission asked people why they did not vote the issue of politicisation did not specifically arise, though it may have been included in the 8 percent who said that they were uninterested or saw no point in the election.¹⁰⁰

Conclusions: Almost certainly, some people chose not to vote, or voted for Independent candidates, because they opposed either the introduction of PCCs, or the politicisation of policing, or both. This was compounded by the fact that polling day was the first opportunity people had had to express an opinion on the principle; that this was not available through a referendum (as in mayoral votes) prior to the PCC elections made it almost inevitable that they would become a form of referendum, leading both to increased abstention rates and the election of an unusually high number of Independent candidates. However, the degree to which this happened cannot be identified unless or until further research is done.

Recommendation 7: Governments should not introduce significant constitutional change at local level without the agreement of the electorate through a referendum. This should apply even where the change in question has been included in a manifesto commitment.

⁹⁸ <http://www.policyexchange.org.uk/component/zoo/item/new-poll-on-police-commissioners>

⁹⁹ *A Question of Timing? The administration of Police and Crime Commissioner elections in England and Wales* The Association of Electoral Administrators p 92 and 93

¹⁰⁰ *Police and Crime Commissioner elections in England and Wales: Report on the Administration of the Elections held on 15 November 2012* The Electoral Commission, p 35

f) The Supplementary Vote and Invalid Ballots

The electoral method used for the PCC elections was the Supplementary Vote (SV), a system which is also used for mayoral elections. However, in the case of Dyfed-Powys, North Yorkshire and Staffordshire, where only two candidates stood, the election was effectively run using the first-past-the-post (FPTP) system.

SV means that voters are asked to express up to two preferences, each marked with an 'X'. Unless they had voted in a mayoral election, most voters in England would have been unfamiliar with this way of voting, and, in particular, with the ballot paper, of which a sample produced by the Electoral Commission is reproduced here.

**Election of Police and Crime Commissioner for
(insert name of police area) police area**

Vote once in column 1 for your first choice, and
Vote once in column 2 for your second choice

	Column 1 first choice	Column 2 second choice
1. Hood 2. Miller		
BOOTS, Dusty The League of Line Dancers Candidate 	<input type="checkbox"/>	<input type="checkbox"/>
GREY, Earl The Mad Hatter's Tea Party Candidate 	<input type="checkbox"/>	<input type="checkbox"/>
HOOD, Robin The Forest Party Candidate 	<input type="checkbox"/>	<input type="checkbox"/>
JIANG, Mike Independent	<input type="checkbox"/>	<input type="checkbox"/>
MILLER, Windy The Alternative Power Forum Candidate 	<input type="checkbox"/>	<input type="checkbox"/>
WILLIAMS, Rhys Independent	<input type="checkbox"/>	<input type="checkbox"/>

If one candidate achieves 50% of the vote when the crosses in the first column are counted, s/he is elected without the need to progress any further. If, however, no candidate achieved 50% the top two candidates progress through to the second round

whilst the remainder are eliminated and the votes from the second column on their papers transferred. The candidate with the most votes once that is completed is declared elected.

The Electoral Reform Society describes SV as ‘a shortened version of the Alternative Vote (AV)’ which was rejected by the electorate at a referendum in 2010. It also says that the system ‘does not ensure that the winning candidate has the support of at least 50% of the electorate’.¹⁰¹ Thus it is not really a proportional representation mechanism at all, just a version of first-past-the-post voting.

From the very early stages, Police Area Returning Officers anticipated that, despite the predicted low turnout, there would be high numbers of spoilt (invalid) ballot papers,¹⁰² and in the immediate aftermath of the election there was some speculation in the media that this had indeed been the case.

However, the first academic study of spoilt papers, carried out by Alan Renwick at Reading University, found that, across the 31 local authority areas for which information was available, the rate of spoilt papers was 2.9 percent of all votes cast and concluded that ‘The main story of the election is low turnout, not high spoiling.’¹⁰³

For the majority of people who voted on 15 November the use of an SV ballot paper was new, but this does not necessarily mean that they did not understand it, or that being faced with it disinclined them to vote. PAROs and election staff taking part in the AEA survey reported that although they had a large number of inquiries from postal voters most people voting in person seemed to know what to do.¹⁰⁴

This is borne out by the Electoral Commission’s own research on the election, which found that 94 percent of those who voted found the ballot paper easy to use.¹⁰⁵

It is certainly true that at 2.8 percent of all votes cast¹⁰⁶ the rate of spoiling in the PCC elections was much higher than for a general election (0.23 percent in the 2010 election, 0.28 percent in 2005),¹⁰⁷ but, given that voters are accustomed to general election voting, and to the form of the ballot paper used, this is hardly surprising. A more meaningful comparison might be the level of spoiling in recent mayoral elections, which also use the SV system.

¹⁰¹ <http://www.electoral-reform.org.uk/supplementary-vote/>

¹⁰² AEA *A Question of Timing? The administration of the Police Commissioner elections in England and Wales* February 2013, p 128

¹⁰³ Alan Renwick, Reading University, *Spoilt Ballots in the PCC Elections: What Do the Numbers Tell Us?* 18 November 2012

¹⁰⁴ AEA p 95-96

¹⁰⁵ Electoral Commission, *Police and Crime Commissioner elections in England and Wales: Report on the Administration of the elections held on 15 November 2012* March 2013 p 8

¹⁰⁶ Electoral Commission, *Police and Crime Commissioner elections in England and Wales: Report on the Administration of the elections held on 15 November 2012* March 2013

¹⁰⁷ Figures for spoilt papers in England and Wales in 2010 and 2005, calculated from figures given in Colin Rallings and Michael Thrasher *The 2010 General Election: aspects of participation and administration*, August 2010, p 12

It is interesting to note in Table 4 that two of the three the authorities with the highest number of spoilt papers were those with the longest history of using it (Bedford and Mansfield, where the first mayoral elections were held in 2002), whereas the lowest level of spoilt papers occurred in the authority where the inaugural mayoral election was on the same day as the PCC elections.

Table 4: Invalid ballots as a percentage of turnout in mayoral elections 2011/12

Authority	Year	Total Spoilt papers as % of turnout ¹⁰⁸
Torbay	2011	3.3%
Leicester	2011	6.0%
Bedford	2011	4.3%
Mansfield	2011	4.4%
Middlesbrough	2011	3.3%
Liverpool	2012	2.8%
Salford	2012	2.6%
Bristol	2012	1.2%

The table below shows the comparison between mayoral elections held in 2012 and the PCC elections in the same area in respect of spoilt papers in the two main categories in which they occurred.

Table 5: Invalid ballots in mayoral and PCC elections in 2012

Authority	Date	Total Spoilt papers as % of turnout	Spoilt (voted for more than one) as % of Total Spoilt	Spoilt (uncertain intent) as % of Total Spoilt
Liverpool Mayoral	3 May	3.80%	42.0%	18.0%
Merseyside PCC	15 Nov	2.26%	39.5%	22.0%
Salford Mayoral	3 May	2.60%	not available	not available
Greater Manchester PCC	15 Nov	2.51%	33.6%	30.0%
Bristol Mayoral	15 Nov	1.20%	39.3%	17.9%
Avon & Somerset PCC	15 Nov	3.77%	16.5%	20.3%
London Mayoral	3 May	1.80%	54.0%	13.6%

¹⁰⁸ Figures quoted in Colin Rallings, Michael Thrasher * David Cowling, *Mayoral referendums and elections: Uninterested electors and unknowing voters*, Elections Centre, University of Plymouth, September 2012 (Table 3)

The highest levels of rejected ballot papers tended to be in the second round of the count and occurred simply because people had either failed or declined to mark a second preference.

It has also been suggested that spoiling the ballot paper was one way of indicating dissent from the principle of Police & Crime Commissioners. Some people certainly advocated doing this, and some must actually have done it; anecdotal evidence collected by the Electoral Commission suggests that a 'significant proportion' of papers rejected on the first ballot had been deliberately spoiled as a protest (although they agree that there is no data either to prove or disprove this).¹⁰⁹ Overall it is unlikely that this was either the most effective or the most popular way of protesting; it is much more probable that those wishing to object simply stayed away.

There were three police areas with what were effectively first past the post elections, but since electors there actually voted using the SV ballot paper it is perhaps unsurprising that they tended to have high levels of spoilt papers. In North Yorkshire the level was 7.2 percent, in Dyfed-Powys 4.3 percent and in Staffordshire 2.9 percent. The reason for the low level in Staffordshire is not immediately apparent, although Alan Renwick suggests that it may be because North Yorkshire and Dyfed-Pwys are places in which the Liberal Democrats and Plaid Cymru respectively normally do well, but where neither fielded candidates. As a result voters may have chosen to spoil their papers rather than vote for any of the candidates on offer.¹¹⁰

Conclusions: Neither the use of the SV voting system nor the format of the ballot papers were significant contributory factors in either the level of spoilt papers, or the low turnout. The use of supplementary vote ballot papers in at least two of the three elections with only two candidates almost certainly caused confusion resulting in high levels of spoilt papers.

Recommendation 8: Supplementary vote ballot papers should not be used for first-past-the-post elections.

¹⁰⁹ Electoral Commission, *Police and Crime Commissioner elections in England and Wales: Report on the Administration of the elections held on 15 November 2012* March 2013 p 8

¹¹⁰ Alan Renwick, Reading University, *Spoilt Ballots in the PCC Elections: What Do the Numbers Tell Us?* 18 November 2012

4. Running the Elections

It is rare for the administration of a set of elections to become in itself an issue as was the case for the PCC elections. The costs also became a matter for both criticism and political disagreement during both the passage of the legislation and after the elections.

a) Administration

When amendments to the Police & Crime Responsibility Bill were being debated in the House of Commons the then Policing Minister, Nick Herbert, said that the change of date was being made to: ‘allow more time to ensure that all the necessary preparations are in place.’¹¹¹ A couple of days later Baroness Browning, for the Government, observed that: ‘the elections must be properly administered.’¹¹²

It is unfortunate, therefore, that one of the chief complaints about the conduct of the PCC elections was that effective administration was made extremely difficult by the government’s own failure to make sure that all the necessary preparations were in place.

The conduct of elections is governed by various pieces of legislation as well as individual orders and guidance documents. These are normally issued by the Cabinet Office which has the lead responsibility for most elections, but the case of the PCC elections the Home Office were responsible. The Home Office had no experience of running elections; in its report on the elections the Association of Election Administrators (AEA) observed that:

‘... the team responsible for this work was under-resourced and lacked experience of delivering elections policy, legislation and implementation.’¹¹³

Day-to-day administration of the PCC elections rested with Police Area Returning Officers (PAROs), one of whom was appointed for each of the 41 police authority areas. The final order designating these was not made until 9 August 2012, thus giving those who were new in post less than three months in which to prepare.

This tardiness in the issue of orders and regulations continued throughout the electoral period. The order covering the funding of the election was not issued until 12 September – less than a month before nominations opened – and the final order relating to fees and charges was not available until less than a week before the election.

¹¹¹ House of Commons, Hansard, 12 September 2011, Col 789

¹¹² House of Lords, Hansard, 14 September 2011, Col 767

¹¹³ Association of Election Administrators, *A Question of Timing? The administration of the Police Commissioner elections in England and Wales* February 2013, p 35

In some cases, the late arrival of orders resulted not just in inconvenience but in considerable wasted expenditure. An extreme example of this was in Wales, where the order allowing the relevant forms (including the ballot paper) to be printed bilingually in both English and Welsh was not issued until 30 October. Given that postal votes were due to be dispatched at the beginning of November PAROs had had to print 2.3 million ballot papers in English only as well as in both languages; once the order arrived, the English-only ballot papers had to be destroyed, incurring an estimated extra cost of £350,000.¹¹⁴

As we have seen elsewhere in this report, there seemed to be very little coordination between the Home Office and the Electoral Commission, particularly in relation to informing the electorate about the elections. Both bodies ran advertising campaigns and websites, but these overlapped and, pointed people to resources that did not exist, or, as in the case of the Home Office's TV advertising, focussed on form rather than substance.

The Electoral Commission flagged up concerns about the administration of the elections at all stages during the legislative process, but seems to have been ignored by both politicians and the Home Office on a number of key issues, and particularly on the timescales required to run elections effectively.

The AEA's report identifies a range of other problems, including the training provided for PAROs, the difficulties of planning for elections where the parameters were not known and the problems caused by running a major set of elections at a point in the year where the annual registration canvas was being conducted.

Conclusions: Whilst it is unlikely that the administrative problems were in themselves a cause of the low turnout, the challenges faced by PAROs and their staff undoubtedly contributed to the fog of uncertainty in which the elections were run. The apparent inability of the Home Office to coordinate with other bodies, to take advice, or to get orders and regulations out on time adversely affected several aspects of the campaign.

Recommendation 9: The Cabinet Office should be responsible for all elections; where other departments are involved they should work under their direction.

Recommendation 10: Both politicians and government departments should take account of the views of the Electoral Commission when planning elections, and, in particular, should ensure that adequate time is allowed in timescales for both planning and delivery. This is particularly the case where new elections, or elections using new voting systems, are involved.

¹¹⁴ Government estimate reported in the Electoral Commission's report on the elections.

b) Costs

The Government's Impact Assessment (signed off by the Policing Minister in April 2011) looked at the costs of running the Police & Crime Commissioner elections in May 2012 and assessed them at £50 million. These were to be 'met from the Home Office spending review settlement, and are over and above costs of holding a local or national election.'¹¹⁵

When the date of the elections was moved to November 2012 the Policing Minister, Nick Herbert, told the House of Commons that the change would increase the overall costs of the elections to £75 million.¹¹⁶

The Labour Party projected the costs to be over £100 million, including various transition costs identified in the Impact Assessment.

One of the objections raised to the elections was that they would incur significant costs at a time of both public sector and policing cuts, but in September 2012 the Justice Minister, Chris Grayling, told the Yorkshire Post that "The day we can't afford the price of democracy is a troubling day for our country."¹¹⁷

To date, however, a final figure for the cost of running the elections has not yet been published, but it is unlikely to fall below the £75 million mark and, given some of the administrative difficulties outlined above (and expanded upon in the AEA's report) it may well be in excess of it when all factors are taken into account.

¹¹⁵ Home Office, Police & Crime Commissioners Impact Assessment
<http://www.homeoffice.gov.uk/publications/about-us/legislation/police-reform-bill/ia-police-crime-commissioners?view=Binary>

¹¹⁶ Hansard, House of Commons, 12 September 2011

¹¹⁷ Interview with the Yorkshire Post, 10 September 2012
<http://www.yorkshirepost.co.uk/news/at-a-glance/general-news/justice-chief-defends-election-costs-1-4912387>

Appendix 1

Police & Crime Commissioners Elected 15 November 2012

Police force	Elected	Party	Gender
Avon & Somerset	Sue Mountstevens	Ind	f
Bedfordshire	Olly Martins	Lab	m
Cambridgeshire	Sir Graham Bright	Con	m
Cheshire	John Dwyer	Con	m
Cleveland	Barry Coppinger	Lab	m
Cumbria	Richard Rhodes	Con	m
Derbyshire	Alan Charles	Lab	m
Devon & Cornwall	Tony Hogg	Con	m
Dorset	Martyn Underhill	Ind	m
Durham	Ron Hogg	Lab	m
Dyfed-Powys	Christopher Salmon	Con	m
Essex	Nick Alston	Con	m
Gloucestershire	Martin Surl	Ind	m
Greater Manchester	Tony Lloyd	Lab	m
Gwent	Ian Johnston	Ind	m
Hampshire	Simon Hayes	Ind	m
Hertfordshire	David Lloyd	Con	m
Humberside	Matthew Grove	Con	m
Kent	Ann Barnes	Ind	f
Lancashire	Clive Grunshaw	Lab	m
Leicestershire	Sir Clive Loader	Con	m
Lincolnshire	Alan Hardwick	Ind	m
Merseyside	Jane Kennedy	Lab	f
Norfolk	Stephen Bett	Ind	m
North Wales	Winston Roddick	Ind	m
North Yorkshire	Julia Mulligan	Con	f

Police force	Elected	Party	Gender
Northamptonshire	Adam Simmonds	Con	m
Northumbria	Vera Baird	Lab	f
Nottinghamshire	Paddy Tipping	Lab	m
South Wales	Alun Michael	Lab	m
South Yorkshire	Shaun Wright	Lab	m
Staffordshire	Matthew Ellis	Con	m
Suffolk	Tim Passmore	Con	m
Surrey	Kevin Hurley	Ind	m
Sussex	Katy Bourne	Con	f
Thames Valley	Anthony Stansfield	Con	m
Warwickshire	Ron Ball	Ind	m
West Mercia	Bill Longmore	Ind	m
West Midlands	Bob Jones	Lab	m
West Yorkshire	Mark Burns-Williamson	Lab	m
Wiltshire	Angus Macpherson	Con	m

Appendix 2

Turnouts in Mayoral Referendums and Inaugural Elections

Authority	Year	Referendum Turnout	Election Turnout
London	2000	34.1%	33.6%
Watford	2002	24.5%	36.1%
Doncaster	2002	25.4%	27.1%
Hartlepool	2002	33.9%	28.8%
Lewisham	2002	18.3%	24.8%
Middlesbrough	2002	28.6%	41.6%
North Tyneside	2002	20.8%	42.3%
Newham	2002	25.9%	25.5%
Bedford	2002	15.5%	25.3%
Hackney	2002	26.8%	25.2%
Mansfield	2002	21.0%	18.5%
Stoke on Trent	2002	26.8%	24.0%
Torbay	2005	32.1%	24.0%
Tower Hamlets	2010	60.1%	25.6%
Salford	2012	18.1%	25.7%
Bristol	2012	24.1%	27.9%
Average		27.3%	28.5%

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This is not a complete bibliography of publications on the subject of Police and Crime Commissioners and the elections for them, but it is a representative sample of what was available at the point at which this report was published. It does not include all the various guidance and advice notes published by the Electoral Commission, and available from their website at www.electoralcommission.org.uk

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