

CSPL 11th Inquiry: Review of Electoral Commission

Written submission by Prof Robert Hazell

This submission is made following my oral evidence to the Committee on 15 June. It is not comprehensive, but seeks to expand on some of the points raised in the oral session.

Mandate of the Electoral Commission

1 Policy role

I believe the DCA now has 30 staff in its Electoral Policy division. It is reasonable to ask what further policy function the Electoral Commission should have, and what value it adds to the electoral policy work of the DCA. I would suggest that the Electoral Commission should confine its policy work to those fields where it has operational knowledge and expertise; and that it should only conduct wider policy work at the request of the government.

2 Education and promotion

I did not touch on this in my oral evidence. I support the evidence of those who have suggested that the Commission should scale back or drop altogether its work on raising public awareness. When the Electoral Commission was established the government was particularly concerned about voter turnout, and the Commission was overloaded with expectations on the part of politicians of what it could achieve to raise turnout. With the benefit of hindsight, I believe it was wrong even to ask the Commission to try: it is like making the umpire responsible for the number of spectators at a cricket match. It is the responsibility of the players to attract a good attendance, not the umpire; and it is the same with elections. So if the Electoral Commission feel that they are being criticised for taking on too much, then this is one function which they could drop.

Political members on the Electoral Commission

I continue to believe that the Commissioners should not include representatives of the political parties. I do not believe it would increase the likelihood of government accepting the Commission's recommendations (look at the continuing failure of CSPL to achieve a Civil Service Act, despite the heavyweight political representation which you have). Political representation would inevitably exclude minor parties, such as the Greens, and would increase the risk of cartel behaviour between the major parties. As for the charge that the Electoral Commission is politically naive, I think you will find that the Commission has become much more aware of the political realities of how elections work than in its first couple of years, when it was a new and learning organisation.

Parliamentary Boundary Commissions

In 1998 I was asked by DETR to conduct a comprehensive review of the Local Government Commission. I was asked to report on whether its functions were still necessary, and whether they were best undertaken by the LGC or some other body. As a result (and with Whitehall's encouragement) the review became a review as much of the Parliamentary Boundary Commission (PBC) as of the LGC.

I recommended merger of the LGC with the PBC. This accorded with much of the written evidence I had received, which based the case for merger on the

interdependence of the work of the two commissions, the lack of coordination under present arrangements, and the greater effectiveness and coherence which could be brought to the task of boundary review if all the boundaries, from district wards up to Westminster constituencies, were fashioned by a single body. Relevant extracts from my report are attached in the appendix. The full text can be supplied if required.

The merger has been partially implemented with the incorporation of the Local Government Commission for England into the Electoral Commission. The PBC was left out of the merger pending completion of its Fifth Periodical Review. The prospects of full merger are now reduced because of devolution. Local government is a devolved function in Scotland and Wales, and with it responsibility for the Local Government Commissions in Scotland and Wales. It is unlikely that the devolved administrations will readily give up that responsibility. If the functional arguments are accepted for merger between the PBC and LGC, then it makes sense for the PBC for Scotland to be merged with the LGC for Scotland, and for the same to happen in Wales; or at the least for them to share the same secretariat (as already happens in Scotland).

That still leaves the PBC for England. I would like to see the PBC(E) merged with the LGC(E) as part of the Electoral Commission. The functional arguments for merger are still very strong, and have not changed since my 1998 report. But the Electoral Commission have begun to harbour doubts about the desirability of such a merger. They accept the need for much better coordination, and would like to have strategic oversight of all boundary reviews; but they wonder whether that requires full merger. The main reason advanced for their hesitation is that they are already criticised for trying to do too much, and should not be required to take on yet another function.

I still believe that full merger would be justified, and that the Electoral Commission should take over the PBC(E). The PBC(E) is particularly slow, taking five years or more over each review, and would benefit from the Electoral Commission's effectiveness and dynamism. There is a problem in managing the peaks and troughs in staffing from the cyclical nature of the reviews; but that problem exists whether or not the function is absorbed by a larger body. I believe it would also help in small part to reduce the proliferation of constitutional watchdogs if the PBC(E) ceased to be freestanding. The Electoral Commission may not welcome the new function, but that in itself is not a sufficient reason for not requiring them to take it on.

Speaker's Committee

The Speaker's Committee is not working satisfactorily as the main body to which the Electoral Commission is accountable. It is invisible, and it meets in private. Its website is hard to find on the parliamentary website. There is little information on the website; for example, the Scrutiny Unit report commissioned by the Speaker's Committee is not published there, and the committee's annual reports are not very informative. The Speaker's Committee really struggles with the financial oversight role, which is its most important responsibility. The Electoral Commission's budget has grown enormously in its first five years, and there is little sign that the Speaker's Committee has subjected this to adequate scrutiny.

What are the alternatives? I wouldn't want to see the function taken away from Parliament. It is right in principle for watchdogs like the Electoral Commission to come under Parliament and not the Executive. The challenge for Parliament is to find more effective means of calling the Electoral Commission properly to account.

Ranging from small to larger changes, the alternatives are for:

- the committee to be chaired by the chair of the Constitutional Affairs Committee, rather than the Speaker
- the Electoral Commission to be accountable to the Constitutional Affairs Committee for policy matters, but to a separate committee for its appointments and budget, on the lines of the PAC/Public Accounts Commission model
- the Electoral Commission to be accountable to a generic parliamentary committee responsible for sponsoring all constitutional watchdogs which come under Parliament
- this generic committee could be a dedicated committee, or the Liaison Committee, or a joint committee of Lords and Commons.

Whichever solution is adopted, it is important to understand that Parliament has little experience of sponsoring external bodies. It requires a different skillset to run recruitment exercises and appoint to senior posts, and to scrutinise budgets and forward plans. Parliament may want to draw on additional expertise (eg from OCPA or the Scrutiny Unit) when carrying out these functions.

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