

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

First Delegated Legislation Committee

DRAFT MAYORAL AND POLICE AND CRIME  
COMMISSIONER ELECTIONS (CORONAVIRUS,  
NOMINATION OF CANDIDATES) (AMENDMENT)  
ORDER 2021

DRAFT POLICE AND CRIME COMMISSIONER  
ELECTIONS (WELSH FORMS) ORDER 2021

*Monday 1 March 2021*

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**Friday 5 March 2021**

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**The Committee consisted of the following Members:**

*Chair:* MS NUSRAT GHANI

Andrew, Stuart ( <i>Treasurer of Her Majesty's Household</i> )	† Lopez, Julia ( <i>Parliamentary Secretary, Cabinet Office</i> )
Davies-Jones, Alex ( <i>Pontypridd</i> ) (Lab)	Pursglove, Tom ( <i>Corby</i> ) (Con)
† Docherty, Leo ( <i>Aldershot</i> ) (Con)	Richardson, Angela ( <i>Guildford</i> ) (Con)
† Fletcher, Colleen ( <i>Coventry North East</i> ) (Lab)	Sheerman, Mr Barry ( <i>Huddersfield</i> ) (Lab/Co-op)
Freer, Mike ( <i>Comptroller of Her Majesty's Household</i> )	† Smith, Cat ( <i>Lancaster and Fleetwood</i> ) (Lab)
Harman, Ms Harriet ( <i>Camberwell and Peckham</i> ) (Lab)	† Throup, Maggie ( <i>Lord Commissioner of Her Majesty's Treasury</i> )
Harris, Rebecca ( <i>Lord Commissioner of Her Majesty's Treasury</i> )	† Tomlinson, Michael ( <i>Lord Commissioner of Her Majesty's Treasury</i> )
Hunt, Jane ( <i>Loughborough</i> ) (Con)	Trickett, Jon ( <i>Hemsworth</i> ) (Lab)
† Lake, Ben ( <i>Ceredigion</i> ) (PC)	Liam Laurence Smyth, <i>Committee Clerk</i>
	† <b>attended the Committee</b>

# First Delegated Legislation Committee

Monday 1 March 2021

[Ms NUSRAT GHANI *in the Chair*]

## Draft Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of Candidates) (Amendment) Order 2021

4.30 pm

**The Chair:** Before we begin, I remind Members to observe social distancing and only sit in the places that are clearly marked. I also remind Members that Mr Speaker has stated that masks should be worn in Committee at all times unless you are speaking. Hansard would be most grateful if Members sent their speaking notes by email to [hansardnotes@parliament.uk](mailto:hansardnotes@parliament.uk).

**The Parliamentary Secretary, Cabinet Office (Julia Lopez):** I beg to move,

That the Committee has considered the draft Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of Candidates) (Amendment) Order 2021.

**The Chair:** With this it will be convenient to consider the draft Police and Crime Commissioner Elections (Welsh Forms) Order 2021.

**Julia Lopez:** It is a pleasure to serve under your chairmanship, Ms Ghani.

The orders make sensible provision to support the effective administration of elections. The draft Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of Candidates) (Amendment) Order 2021 temporarily changes the nomination process to reduce the number of signatures that candidates are required to collect at police and crime commissioner, combined authority and single authority mayoral elections, other than the London mayoral election. The Government have long been clear that there should be a very high bar for delay to the elections due to be held on 6 May this year, but it was responsible to keep the situation under review to take into account the views of the electoral community and of public health experts. Having considered those views, the Government confirmed on 5 February that the range of polls scheduled for 6 May, including local council and mayoral elections in England and police and crime commissioner elections in England and Wales, will go ahead as planned.

The Government are providing a package of measures to support statutorily independent returning officers to deliver the elections successfully and with the right precautions in place. The measures are set out in a delivery plan, published on 5 February. The order makes changes concerning the nominations process and forms part of that package of measures. It reduces the number of signatures required on a nomination paper for a candidate in PCC, combined authority and single authority mayoral elections. The proposed change retains the

important process of ensuring that a candidate has some level of local support before being formally nominated but will reduce the amount of movement and person-to-person contact that might otherwise be necessary as part of the nominations process and therefore reduce the risk of exposure to and transmission of coronavirus.

The draft Police and Crime Commissioner Elections (Welsh Forms) Order 2021 makes changes concerning police and crime commissioner elections and sets out Welsh language versions of certain forms, and certain forms of words, to be used at PCC elections in Wales. Currently, only Welsh versions of the ballot paper and the nomination form for candidates at PCC elections in Wales are provided for in legislation; other forms are not covered. The practice at PCC elections has been for other forms to be produced locally in Welsh by returning officers using powers in the Police and Crime Commissioner Elections Order 2012 supported by guidance from the Electoral Commission. We have heard the concerns of electoral administrators in Wales and of Welsh language groups in relation to the provision of Welsh forms at PCC elections in Wales, and the order seeks to address them. It will also ensure consistency with other elections held in Wales, such as UK parliamentary elections, which have their own discrete set of Welsh forms set out in secondary legislation.

I turn to the detail of the proposed changes. The Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of Candidates) (Amendment) Order 2021 amends the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2007, the Police and Crime Commissioner Elections Order 2012 and the Combined Authorities (Mayoral Elections) Order 2017. The purpose of the order is to reduce the number of signatures required on a nomination paper for a candidate in police and crime commissioner, combined authority and single authority mayoral elections and is intended to reduce the need for person-to-person contact ahead of the May elections given the specific context of the current pandemic. Similar provisions relating to local councillor and London mayoral elections have been made in a separate order.

In making the changes, we have taken the approach that a candidate should obtain subscribers on the basis of two per local authority area, whether for a poll within a single local authority or for electoral areas that contain a number of local authorities. The order provides that the following numbers of subscribers will be required. Single local authority mayoral candidates must obtain signatures from two electors instead of 30. Candidates for PCC elections must obtain signatures from a number of electors that is twice the number of local authority areas within the police area, instead of the current requirement of 100 electors. For example, under the changes, for the Devon and Cornwall police area, which has 12 local authority areas, a candidate will need to obtain 24 signatures.

Combined authority mayoral or metro mayoral candidates must obtain signatures from a total number of electors that is twice the number of the local authority areas within the boundary of the mayoral area. For example, the Liverpool City Region Combined Authority has six authorities, so the total number of signatures needed is 12. Those signatures must be obtained from two electors registered to vote in each local authority

within the mayoral area. Currently, at least 100 electors in total are required at a combined authority mayoral election.

In making these changes, the Government have responded to the concerns of the electoral sector, candidates and political parties that the need to collect a high number of signatures for nomination as a candidate in some types of poll was encouraging an unhelpful and unnecessary amount of interaction, as well as complexity, for candidates. While it is essential that candidates in a poll can demonstrate a clear amount of local support, we must balance the importance of democracy with the need to protect people in these unique circumstances.

As I have explained, we are not removing the signature requirements completely, because we think it is important that there remain some level of democratic checks and balances for candidates to demonstrate a degree of local support from local electors in their area. These provisions will remain in force until 28 February 2022, to support candidates in any by-elections that may occur in the coming months as we emerge from the pandemic. The elections in May 2022 will automatically revert to the standard rules.

I am grateful to the Joint Committee on Statutory Instruments for drawing this instrument to the attention of the House. The Joint Committee considers that there are some points where the drafting of the instrument and its explanatory note could have been clearer in certain respects. We welcome the views of the Joint Committee, and are particularly interested to note its thoughts on the question of how best to assist readers in understanding which provisions in an instrument apply in different parts of the UK.

We consider that the instrument takes a proportionate approach to a temporary rule change introduced to reduce the number of face-to-face contacts required during the pandemic. I am grateful that the Joint Committee has agreed that the Cabinet Office's response to its request for a memorandum has provided some additional clarity.

We consider that it is clear from the context of the regulations themselves when and to which elections they apply. To further aid clarity and certainty, we have published a note on gov.uk on the regulations and their effect, particularly on the numbers of signatures required, and to assist candidates and their supporters and those administering elections.

The note includes tables that set out the number of subscribers needed for candidates standing at combined authority and London mayoral elections in England, and elections of police and crime commissioners in England and Wales. These are polls where the election is for an area covering a number of local authority areas, and the tables set out the total number of subscribers that candidates will need in those areas and whether a specific number is required from each constituent authority.

I turn now to the Police and Crime Commissioner Elections (Welsh Forms) Order, which introduces a set of prescribed forms and forms of words translated into Welsh, in respect of the range of other forms already in use in English at PCC elections. These are in addition to the Welsh versions of the ballot paper and nomination form for candidates that are already provided. The forms and forms of words prescribed by this instrument are for use in any PCC election that takes place in Wales.

The Welsh forms in the instrument cover various stages in the electoral process and include poll cards issued to electors, the postal voting statement completed by postal voters, the declaration to be made by the companion of a voter with disabilities, guidance for voters and forms completed by candidates and their agents. Some forms are in Welsh only and others are bilingual in Welsh and English.

The forms that are prescribed in Welsh and English, for example poll cards and postal voting statements, are to be used in this bilingual form in place of the English versions. The forms that are prescribed in Welsh only, for example the candidate's consent to nomination form and the candidate's declaration about election expenses, are to be made available in Welsh where the person completing the form, such as a candidate, prefers to communicate in Welsh rather than English. The order also provides a Welsh version of the forms of words setting out guidance for voters that appears in polling station voting compartments.

The effect of the order is that the form of words appropriate to the number of candidates standing in a particular election will be displayed in polling compartments in Welsh alongside the corresponding English version. The instrument also prescribes a Welsh version of the questions to be put to voters when issued with a ballot paper in polling stations, for use in respect of voters who prefer to communicate in Welsh rather than English.

We have consulted the Electoral Commission on both orders and the commission is supportive of them. We have also had support for the changes to the nominations process from the Association of Electoral Administrators and in discussions with political party representatives via the Parliamentary Parties Panel. We have also shared a draft of the PCC Elections (Welsh Forms) Order with the Welsh Language Advisory Group, the Association of Electoral Administrators, the Society of Local Authority Chief Executives, and officials in the Welsh Government.

There is broad support among stakeholders for the proposed changes set out in these two instruments. I commend them to the Committee.

4.39 pm

**Cat Smith** (Lancaster and Fleetwood) (Lab): It is a pleasure to see you in the Chair this afternoon, Ms Ghani.

I shall begin by addressing my remarks to the draft Mayoral and Police and Crime Commissioner Elections (Coronavirus, Nomination of Candidates) (Amendment) Order 2021. Labour supports this SI today as a practical step to ensure that the nominations process for candidates standing at elections in May can go ahead safely, considering the public health crisis. There is no doubt that candidates wishing to stand for election should have access to reasonable options for completing and submitting the necessary nomination papers that minimise the risk of transmission of the virus to them or to their families and contacts. A vulnerable candidate should not be put off running for election because of the risk caused by collecting wet signatures.

We support the measures as far as they go, but they do not go far enough. The Government have had nearly a year to put in place the necessary provisions to protect our democracy, but Ministers have once again been too

[Cat Smith]

slow to act. With two months to go, we have yet to see any proper plan from the Government setting out how the elections will be run safely, while councils face shortages of electoral staff, lack of venues, and funding uncertainty. I am deeply concerned that Government inaction risks creating a perfect storm of disenfranchisement, with long queues at polling stations on election day.

The SI that we are debating today is a prime example of the Government's unwillingness to think outside the box. The nominations process should be fully digitised, to eradicate any concerns about the virus. Moreover, that is a change that could be maintained in future elections. Labour has consistently called on the Government to adapt and introduce safer voting methods, including voting over multiple days and all-postal voting.

There are also widespread concerns about how the counts will go ahead, given the number of people usually crammed into an indoor, poorly ventilated space. I would like to raise a couple of concerns that I hope the Minister will address in her closing remarks. Combined authority mayoral candidates or members of their team will still need to travel between several different local authority areas during the nomination process to collect wet signatures. Is the Minister concerned about that? What steps will be taken to ensure that that travel is covered by Government guidance on lockdown travel? Will the Minister outline whether she intends to maintain that change to the nominations process for future elections?

Lastly, will the Government consider updating our electoral process for the 21st century? It is frankly a basic change, to ensure that the nominations process has an option to be fully digitised.

Labour supports the Police and Crime Commissioner Elections (Welsh Forms) Order 2021. There is no question but that all necessary electoral forms should be provided in the Welsh language. It is crucial that the Welsh language be protected, particularly within our democracy. It is a crucial cornerstone of Welsh identity. The Welsh Labour Government are committed to increasing the use of Welsh with a target of a million Welsh speakers by 2050, so Labour welcomes the change.

4.43 pm

**Julia Lopez:** I thank the hon. Lady for her support in this matter, and the constructive way in which she always conducts herself in this House.

As to her comments about there not being an adequate plan, extra funding has been provided for local authorities. We appreciate that they are in a difficult situation this year. Something like £90 million of funding is available, which is an extra £31 million on top of what is normally provided. We are cognisant of the troubles that authorities will have in making sure that there is social distancing at the count, for instance. The Electoral Commission has already provided some guidance in that area. However, we anticipate that there will be an extra level of guidance coming through, because there are still some questions that need to be answered.

I appreciate what the hon. Lady says about being able to digitise, and so on. She must understand the constraints that we are under, in our ability to change some of those things in such short order. I imagine that some of the challenge would be in changing primary legislation. I do not want to go beyond my remit, as I am not the answerable Minister, and start to talk about some of the ways in which we hope to modernise the system in future.

Hopefully we have a clear plan, which was placed last Friday, for campaigning. I think that it is sensible and clear guidance for candidates, allowing a good two-month window to start some level of campaigning that strikes the right balance between giving the voters proper scrutiny and choice in candidates while maintaining the distances required in these rather exceptional circumstances.

I believe that the statutory instruments before the Committee make sensible changes to support the effective administration of elections, and I am grateful to everyone for their time this afternoon.

*Question put and agreed to.*

#### **DRAFT POLICE AND CRIME COMMISSIONER ELECTIONS (WELSH FORMS) ORDER 2021**

*Resolved,*

That the Committee has considered the draft Police and Crime Commissioner Elections (Welsh Forms) Order 2021.—(*Julia Lopez.*)

4.45 pm

*Committee rose.*