

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

DRAFT LOCAL AUTHORITY AND COMBINED
AUTHORITY ELECTIONS (NOMINATION OF
CANDIDATES) (AMENDMENT) (ENGLAND)
REGULATIONS 2022

Monday 27 June 2022

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The Committee consisted of the following Members:

Chair: DAME MARIA MILLER

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| † Amesbury, Mike (<i>Weaver Vale</i>) (Lab) | † Offord, Dr Matthew (<i>Hendon</i>) (Con) |
| † Badenoch, Kemi (<i>Minister for Local Government, Faith and Communities</i>) | † Poulter, Dr Dan (<i>Central Suffolk and North Ipswich</i>) (Con) |
| Blomfield, Paul (<i>Sheffield Central</i>) (Lab) | † Richardson, Angela (<i>Guildford</i>) (Con) |
| † Dines, Miss Sarah (<i>Derbyshire Dales</i>) (Con) | † Russell-Moyle, Lloyd (<i>Brighton, Kemptown</i>) (Lab/Co-op) |
| † Fletcher, Colleen (<i>Coventry North East</i>) (Lab) | † Skidmore, Chris (<i>Kingswood</i>) (Con) |
| † Greenwood, Margaret (<i>Wirral West</i>) (Lab) | † Smith, Henry (<i>Crawley</i>) (Con) |
| † Hollern, Kate (<i>Blackburn</i>) (Lab) | † Young, Jacob (<i>Redcar</i>) (Con) |
| † Hollinrake, Kevin (<i>Thirsk and Malton</i>) (Con) | |
| † Lavery, Ian (<i>Wansbeck</i>) (Lab) | Bethan Harding, Jillian Luke, <i>Committee Clerks</i> |
| Maynard, Paul (<i>Blackpool North and Cleveleys</i>) (Con) | † attended the Committee |

Third Delegated Legislation Committee

Monday 27 June 2022

[DAME MARIA MILLER *in the Chair*]

Draft Local Authority and Combined Authority Elections (Nomination of Candidates) (Amendment) (England) Regulations 2022

6 pm

The Minister for Local Government, Faith and Communities (Kemi Badenoch): I beg to move,

That the Committee has considered the draft Local Authority and Combined Authority Elections (Nomination of Candidates) (Amendment) (England) Regulations 2022.

It is a pleasure to serve under your chairmanship, Dame Maria. These regulations, which were laid before the House on Monday 6 June, seek to amend local election rules to account for the new disqualification criteria introduced by the Local Government (Disqualification) Act 2022, which comes into force tomorrow. That Act updates disqualification criteria for local authorities to disqualify individuals convicted of sexual offences who do not receive a custodial sentence. The regulations make the necessary changes to election processes to ensure that future mayoral candidates continue to correctly declare that they are eligible to stand in elections.

Local election rules require candidates to declare that they are not disqualified by signing a consent to nomination form. The format and wording of those forms is prescribed in secondary legislation. These regulations will update those forms to add references to the new criteria for mayoral elections inserted by the 2022 Act. Further, they will require that copies of the relevant new sections of the 2022 Act are reproduced in full and appended to the forms. The regulations make sure that both candidates and electoral administrators have clarity when making those declarations. Implementation of the regulations should not be delayed, as the Act's provisions come into force tomorrow.

These amendments follow statutory consultation with the Electoral Commission, which supports the need to implement the provisions of the 2022 Act by bringing forward the regulations as soon as possible. The Electoral Commission has updated its guidance to take note of the new disqualification criteria, and will update its nomination packs containing the consent to nomination forms once the regulations are approved. The Government committed to seek legislation that would disqualify sex offenders from local government in our 2018 response to a public consultation on the matter.

To support the Act, I have already amended equivalent election rules for all tiers of councils, the London Assembly and the Mayor of London through the Local Authority and Greater London Authority Elections (Nomination of Candidates) (Amendment) (England) Rules 2022 on 30 May, under the negative procedure. Today's regulations are the final stage in delivering on that commitment and fully implementing the disqualification of sex offenders.

To summarise, the regulations are necessary for full implementation of the Local Government (Disqualification) Act 2022. No community should have to tolerate a convicted sex offender standing as its local mayor. I commend the statutory instrument to the Committee.

6.2 pm

Mike Amesbury (Weaver Vale) (Lab): It is a pleasure to once again serve under your chairmanship, Dame Maria. I thank the Minister for her detailed explanation of the instrument, which will update the candidate consent to nomination forms to reflect the very welcome changes introduced by the Local Government (Disqualification) Act 2022, to which the Minister has referred.

It is vital that we uphold the best standards in public life at all levels of government. An overwhelming majority of local councillors, mayors and mayoral candidates do so, serving their communities to the best of their abilities in the spirit of public service and public duty. I did so for 11 years as a councillor in Manchester, and other Members present will have done the same. However, when individuals fall short of the standards we expect from elected representatives, we must ensure that action can be taken to remove them from office and, importantly, prevent them from standing in the first place. The previous loophole identified by the Minister in other parts of the body politic has allowed local government elected members who were convicted of sexual offences, but were not given custodial sentences, to remain in office. That has caused unacceptable situations that degrade and undermine our local democracy.

As such, we owe our thanks to the hon. Member for Mole Valley (Sir Paul Beresford) for using his bite at the legislative apple to ensure that people put on the sex offenders list cannot be elected or remain in their elected post—the absolute bare minimum that all of us on this Committee would agree the public should expect. Given that we are all in agreement today—it is great to have some cross-party agreement on what is quite a sensible thing to do—I will go further. As the Minister has referred to this issue in the past, I ask her to use her experience and her Department to advise on Northern Ireland's implementation of similar reforms.

6.5 pm

Kemi Badenoch: I thank the hon. Gentleman and the Opposition for supporting today's SI. Regarding his comments on Northern Ireland, we will work on that issue with devolved Administrations and with Members of this House who represent constituencies in Northern Ireland. I also take this opportunity to pay tribute to the sponsors of the Local Government (Disqualification) Act, as the hon. Gentleman has just done, by thanking my hon. Friend the Member for Mole Valley (Sir Paul Beresford) and Lord Udny-Lister for their work to progress that Act here and in the other place.

To conclude, the electorate in a modern democracy have a right to expect that their mayoral candidates should be of good character. The Government consider that there should be consequences where candidates fall short of the behaviour expected in an inclusive and tolerant society. We must fully implement the disqualification of sex offenders from local government office, and these regulations are the final step in delivering on the Government's commitment to legislate on this important matter.

Question put and agreed to.

6.6 pm

Committee rose.