

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fifth Delegated Legislation Committee

DRAFT COMBINED AUTHORITIES (MAYORAL
ELECTIONS) ORDER 2017 (AMENDMENT)
REGULATIONS 2024

DRAFT COMBINED AUTHORITIES (MAYORS)
FILLING OF VACANCIES ORDER 2017
(AMENDMENT) REGULATIONS 2024

Wednesday 31 January 2024

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The Committee consisted of the following Members:

Chair: PHILIP DAVIES

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|--|---|
| † Baynes, Simon (<i>Clwyd South</i>) (Con) | † Mak, Alan (<i>Havant</i>) (Con) |
| † Blomfield, Paul (<i>Sheffield Central</i>) (Lab) | † Mohindra, Mr Gagan (<i>South West Hertfordshire</i>) (Con) |
| Byrne, Liam (<i>Birmingham, Hodge Hill</i>) (Lab) | † Morrissey, Joy (<i>Lord Commissioner of His Majesty's Treasury</i>) |
| † Gibson, Peter (<i>Darlington</i>) (Con) | Offord, Dr Matthew (<i>Hendon</i>) (Con) |
| † Glindon, Mary (<i>North Tyneside</i>) (Lab) | † Rowley, Lee (<i>Minister for Housing, Planning and Building Safety</i>) |
| Greenwood, Margaret (<i>Wirral West</i>) (Lab) | |
| Hamilton, Fabian (<i>Leeds North East</i>) (Lab) | Jonathan Edwards, <i>Committee Clerk</i> |
| † Hart, Sally-Ann (<i>Hastings and Rye</i>) (Con) | |
| † Hughes, Eddie (<i>Walsall North</i>) (Con) | |
| † Levy, Ian (<i>Blyth Valley</i>) (Con) | |
| † Long Bailey, Rebecca (<i>Salford and Eccles</i>) (Lab) | |
| † McMahon, Jim (<i>Oldham West and Royton</i>) (Lab/Co-op) | † attended the Committee |

Fifth Delegated Legislation Committee

Wednesday 31 January 2024

[PHILIP DAVIES *in the Chair*]

Draft Combined Authorities (Mayoral Elections) Order 2017 (Amendment) Regulations 2024

9.25 am

The Minister for Housing, Planning and Building Safety (Lee Rowley): I beg to move,

That the Committee has considered the draft Combined Authorities (Mayoral Elections) Order 2017 (Amendment) Regulations 2024.

The Chair: With this it will be convenient to consider the draft Combined Authorities (Mayors) Filling of Vacancies Order 2017 (Amendment) Regulations 2024.

Lee Rowley: It is a pleasure to serve under your chairmanship, Mr Davies. The draft regulations were laid before the House on 11 December 2023. If approved and made, they will provide the rules for the conduct of elections for directly elected mayors of combined county authorities, the rules by which mayoral vacancies in such authorities are to be declared and the procedure for filling them through by-elections.

The draft mayoral elections regulations are essential for the first election of the east midlands combined county authority mayor. Subject to Parliament approving the secondary legislation to establish that mayoralty, the election is planned for May 2024. The regulations will pave the way for further mayoral combined county authority elections. They make detailed provision about the conduct of elections for mayors of combined county authorities by extending the application of the Combined Authorities (Mayoral Elections) Order 2017 to elections for combined county authority mayors. They also apply the Voter Identification Regulations 2022 to combined county authority mayoral elections, to maintain consistency with other local government elections.

The regulations ensure that transitional provisions for EU citizens who stand as candidates in other local elections in May 2024 apply to combined county authority mayoral candidates. The Combined Authorities (Mayoral Elections) Order 2017 itself largely replicated the rules for elections of local authority mayors and police and crime commissioners. Procedural consistency is the hallmark of local government electoral law and seeks to ensure the smooth running of polls, particularly where they are held in combination.

Let me mention certain specific provisions that we are making for combined county authority mayors, to reflect the constitutional arrangements for such authorities. We are creating a new role—the combined county authority returning officer—to oversee the whole of the election of a combined county authority mayor. This important role mirrors the role of the combined authority returning officer. The regulations clarify that the returning officer for a district council in a two-tier area of a combined

county authority is to be responsible for running the mayoral election within that council's area. That follows the approach generally taken in other polls, such as county council and police and crime commissioner elections.

In addition, the regulations contain two provisions that apply to both combined authority and combined county authority mayoral elections. They enable the appointment of a combined authority returning officer, or a combined county authority returning officer, before the respective authority is established. That will help to ensure the smooth running of the first mayoral election if the statutory instrument that establishes the new authority is delayed.

We have set the figures in the formula for the calculation of candidate spending limits at combined county authority mayoral elections at £3,040 per constituent council and 8p per elector. We have consulted the Electoral Commission, as statute requires, and, on the basis that the figures align with the candidate spending limits for combined authority mayors, the commission recommended this approach. The regulations establish new spending limits for combined authority mayors by uprating in line with inflation the limits that were set in 2017. We have used the powers given by Parliament to the Secretary of State to make such upratings in line with inflation, so no further recommendation is required from the Electoral Commission. Parity is therefore maintained between combined county authority elections and combined authority elections.

The filling of vacancies regulations also extend the scope of the existing provision for combined authorities to include combined county authorities. They are necessary to establish the rules by which vacancies are to be declared in the office of combined county authority mayor and the procedure for filling such vacancies through by-elections. The provisions need to be in place in advance of any combined county authority mayor being elected to ensure that any subsequent vacancy can be appropriately and consistently dealt with.

The Government undertook extensive consultation ahead of the 2017 electoral provisions for combined authorities. The regulations apply the 2017 provisions to combined county authorities, reflecting the parity between the two types of authority. We have undertaken statutory consultation with the Electoral Commission on the provision in the draft mayoral elections regulations about expense limits for candidates for combined county authority mayoral elections and combined authority elections. The regulations reflect the commission's recommendation on setting a new combined county authority mayoral spending limit.

In addition, we shared informally with the commission a draft of the filling of vacancies regulations. We have also engaged with officers of constituent councils of the east midlands, and we are grateful for their input as we have developed drafts.

In conclusion, the draft regulations set out a robust legal framework for the election of combined county authority mayors. They provide the necessary clarity to those tasked with running those elections and ensure that local electors can have confidence in their fair conduct.

9.31 am

Jim McMahon (Oldham West and Royton) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Davies. I confirm on behalf of the official Opposition that we do not intend to divide the Committee on this matter.

The Levelling-up and Regeneration Act 2023 provided for the establishment of combined county authorities. The Secretary of State may provide for there to be a mayor for those areas, and the draft regulations continue that work. Labour supported the passage of the original 2017 orders and all the statutory instruments that have followed since. These regulations are required in advance of the first planned combined county authority mayoral elections, for the east midlands in May 2024. One purpose for establishing combined authorities is to improve service delivery in local areas. We are immensely proud of the work that our Metro Mayors and their combined authorities are doing up and down the country to change the lives of millions of people. It would be remiss of me not to say that I hope Claire Ward in the east midlands will be soon to join that rank.

I have a vital question for the Government. In respect of the composition of county combined authorities, the role of the district council has been one of contention. We know from recent experiences in Lancashire that there can be fragmentation if there is not a shared endeavour or collective political leadership in a place. There is a danger, in that fragmentation, that changes on the ground end up being piecemeal and do not go far enough or fast enough.

In conclusion, Labour will push power out of Westminster with a take back control Act that gives communities a direct say in their future. We will start by giving all mayors and combined authorities the powers and flexibility to turbocharge growth in their areas, including over planning, housing, transport, net zero and adult education, creating genuine partners in power.

9.33 am

Lee Rowley: I will not detain the Committee for more than a few moments. I am grateful to the hon. Member for Oldham West and Royton for confirming that the official Opposition will not seek to divide today, and I welcome their broad willingness to support the change.

In response to the hon. Member's points, I understand that there is a broad and valid debate to be had about the composition of combined authorities. That has been discussed previously by my colleagues and others in this place and beyond. Other people will take different views about the decision and its end point, but it will be incumbent on the elected mayor, whether it be Claire Ward or, more likely and hopefully, my hon. Friend the Member for Mansfield (Ben Bradley), in a few months' time, to make sure that he or she—I say this as an east midlands Member of Parliament—rightly engages both of our counties and all our district councils to ensure that they bring together the broadest range of voices so that the east midlands can speak even louder.

With that answer, and the confirmation from the Government that we are looking forward to working closely with my hon. Friend the Member for Mansfield when he is successful in May, I commend the draft regulations to the Committee.

Question put and agreed to.

**Draft Combined authorities (Mayors)
Filling of Vacancies Order 2017 (Amendment)
regulations 2024**

Resolved,

That the Committee has considered the draft Combined Authorities (Mayors) Filling of Vacancies Order 2017 (Amendment) Regulations 2024.
—(*Lee Rowley.*)

9.34 am

Committee rose.

