

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Third Delegated Legislation Committee

DRAFT REPRESENTATION OF THE PEOPLE
(VARIATION OF ELECTION EXPENSES AND
EXCLUSIONS) REGULATIONS 2024

Tuesday 5 March 2024

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Saturday 9 March 2024

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The Committee consisted of the following Members:

Chair: DAME ANGELA EAGLE

† Aldous, Peter (*Waveney*) (Con)
 † Ali, Tahir (*Birmingham, Hall Green*) (Lab)
 Barker, Paula (*Liverpool, Wavertree*) (Lab)
 Butler, Dawn (*Brent Central*) (Lab)
 † Ellis, Sir Michael (*Northampton North*) (Con)
 † Eshalomi, Florence (*Vauxhall*) (Lab/Co-op)
 † Gibson, Peter (*Darlington*) (Con)
 † Glindon, Mary (*North Tyneside*) (Lab)
 † Hoare, Simon (*Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities*)
 † Jenkin, Sir Bernard (*Harwich and North Essex*) (Con)

† Jenkinson, Mark (*Workington*) (Con)
 † Johnson, Gareth (*Dartford*) (Con)
 Johnson, Kim (*Liverpool, Riverside*) (Lab)
 † Mumby-Croft, Holly (*Scunthorpe*) (Con)
 † Sobel, Alex (*Leeds North West*) (Lab/Co-op)
 † Stevenson, Jane (*Wolverhampton North East*) (Con)
 † Sturdy, Julian (*York Outer*) (Con)

Leoni Kurt, *Committee Clerk*

† **attended the Committee**

Third Delegated Legislation Committee

Tuesday 5 March 2024

[DAME ANGELA EAGLE *in the Chair*]

Draft Representation of the People (Variation of Election Expenses and Exclusions) Regulations 2024

2.30 pm

The Parliamentary Under-Secretary of State for Levelling Up, Housing and Communities (Simon Hoare): I beg to move,

That the Committee has considered the draft Representation of the People (Variation of Election Expenses and Exclusions) Regulations 2024.

It is a pleasure, Dame Angela, to serve under your chairmanship.

The draft regulations uprate the maximum campaign spending limits for Greater London Authority and local authority mayoral elections in England to reflect the changes to the value of money. This statutory instrument also provides an exclusion for reasonable security expenses—an issue which I think requires no further amplification from me—from various election campaign spending limits. Finally, the draft regulations make some technical amendments to remove drafting that is now redundant from the Police and Crime Commissioner Elections Order 2012.

Elections rely on the ability of political parties, candidates and other campaigners to communicate their views so that voters may make an informed decision at the ballot box. If approved by Parliament, this draft statutory instrument completes the package of reforms that the Government announced in July 2023 to uprate reserved and accepted party and candidate spending limits and donation thresholds. This is a necessary action, as many of the statutory limits, which are set in absolute terms, have not been uprated in recent times. If we do not uprate them in line with inflation, it means that they continue to be lower in real terms, which has a real impact on campaigning.

Furthermore, no one should feel afraid to participate in our democracy. In the past eight years, we have witnessed, as we all too horribly remember, murders of two colleagues, Jo Cox and David Amess. The safety of parliamentarians and candidates is important and, in recent years, the Government have introduced numerous measures to tackle intimidation in public life. It is of the utmost importance that candidates feel safe to campaign. The Government are therefore explicitly exempting reasonable security expenses from contributing to spending limits for political parties, candidates and other campaigners at reserved and excepted UK elections. I am pleased to confirm that this fulfils a recommendation made by the Jo Cox Civility Commission in its recent report, “No place in politics: tackling abuse and intimidation.” I am sure that the whole Committee will welcome that response.

Turning to specifics, the draft regulations will uprate the spending limits for candidates at GLA elections and local authority mayoral elections. The various spending limits for GLA elections have remained unchanged

since they were set in 2000. Due to such a significant gap, the regulations will uprate the spending limits by 81.05%. That means that the limits for a candidate at an election for the Mayor of London will increase from £420,000 to £760,410; the limits for a candidate at an election of a constituency member of the London Assembly will increase from £35,000 to £63,360; and for an individual or party list candidate at the London-wide Assembly election, the limits will change from £330,000 to £597,460.

The draft regulations will also uprate the spending limits for local authority mayoral elections in England by 29.09%. The uprating is done from 2017 to align with the new spending limits for combined authority and combined county authority mayoral elections, recently approved by Parliament in the Combined Authorities (Mayoral Elections) Order 2017 (Amendment) Regulations 2024. This is to ensure parity between mayoralities, and it means that the limits for local authority mayoral elections in England will change from £2,362 and 5.9p per elector to £3,040 and 8p per elector.

The draft regulations will provide clarity for parties, candidates and campaigners, as I say, by explicitly exempting reasonable security expenses from contributing to the spending limits for candidates, political parties and third-party campaigners at UK reserved and excepted elections, other than local government elections in Northern Ireland. The Government will introduce an equivalent exemption for local elections in Northern Ireland in due course. The regulations will not apply to security expenses at devolved elections in Scotland and Wales. The Scottish Government have separately legislated to make similar provision and the Welsh Government have recently consulted on doing so as well.

Many parties and candidates already take the view that security expenses are, in general, not election expenses. This exemption will put that view beyond any doubt and ensure that campaign spending limits are not a barrier to provision of security during election campaigns. I thank the Electoral Commission for drawing the Government’s attention to this point of law and for its support in getting the drafting of this important exemption right.

The draft regulations make minor technical and consequential changes to remove police areas of Greater Manchester, North Yorkshire and West Yorkshire from the Police and Crime Commissioner Elections Order 2012. *[Interruption.]* At the very mention of West Yorkshire, the hon. Member for Leeds North West arrives in Committee, and he is most welcome.

Those functions have been transferred to the relevant Mayors by separate legislation, so these regulations do not make a substantive policy change. They simply remove the redundant drafting from the 2012 order to ensure that the law accurately reflects that position.

Before uprating election spending limits, the Government consulted the members of the Parliamentary Parties Panel on two occasions. The parties were first consulted in 2020 ahead of uprating spending limits for candidates at local elections in England. In September 2022, the Government wrote to the members of the Parliamentary Parties Panel again regarding uprating election spending limits and exempting reasonable security expenses from those limits. The responses received indicated support for increasing various spending limits and also endorsed exempting security expenses. As is statutorily required, the Electoral Commission was formally consulted on this statutory instrument.

In conclusion, the uprating of campaign spending limits at GLA and local authority mayoral elections in England to reflect inflation is necessary. The significant gap since the limits were last set and the current high level of inflation mean that the uprating exercise is required to avoid the spending limits putting greater constraints on campaigners than originally intended.

I am sure I speak for the whole Committee when I say that violence and intimidation cannot and will not be tolerated and have absolutely no place in our public and democratic life. The security expenses exemption will bring clarity and reassurance for parties, candidates, third parties and those who enforce the rules as to their ability to incur security expenses without it impacting on their overall spending limits.

2.37 pm

Florence Eshalomi (Vauxhall) (Lab/Co-op): It is a pleasure to serve under your chairship, Dame Angela. I thank the Minister for his introduction to this statutory instrument. I agree with him that violence and intimidation have no place in our democracy. As we prepare to celebrate International Women's Day, we remember, sadly, the level of abuse that a number of female parliamentary candidates and colleagues face. We stand united in calling out any form of abuse.

I start with some good news for the Minister, as we support the implementation of regulation 4 of the instrument. It would be wrong for expenses incurred to protect candidates, their families and supporters to be seen as part of the cost of campaigning. It would set a dangerous precedent if candidates requiring extra security had to forgo elements of their campaign simply to feel safe.

These exclusions should not mean that it becomes the norm that candidates are expected to pay even more to fight an election because they do not feel safe. This instrument stops an obvious injustice in our electoral expense law, but our response to candidates feeling unsafe cannot simply be to tell them to open their pockets and hire security. The Government must make sure that adequate resources are in place to ensure that candidates feel secure without needing to spend their own money.

The Minister mentioned his discussions with the Electoral Commission, which I welcome. I would also welcome assurances from him that there have been conversations with the Electoral Commission on guidance. For example, when are expenses reasonably attributable to security when someone tasked with security simultaneously carries out tasks that would come under election expenses? There could be a blurred line there.

Another significant part of the instrument concerns the increase to election expenses in Greater London Authority elections and local authority mayoral elections. As the Minister outlined, the figure for mayoral elections dates back to when the role was introduced in 2000. Since then, sadly, that figure has failed to be updated in line with inflation, and it was used during the last mayoral election, 21 years after it was introduced. I understand that a significant increase is expected, given that the limit has been untouched for 24 years. I hope that the Minister recognises why we need to ask questions about why we are raising the limit by over 80% just two months out from the elections. The reality is that we

have seen a huge rise in inflation under this Government. If we look at the £340,000 increase in the mayoral candidacy budget in London in this SI, nearly £250,000 is accounted for because of inflation. The last four years alone have accounted for a massive £132,000 of the increase.

I am sure that the Minister will not want to enter into an argument about compound interest, but the real reason we are seeing this rise in the proposed figures is the compound failure by successive Tory Chancellors to get inflation under control. If we apply that to other things, we see other areas across the country with skyrocketing inflation, whether that is the price of basic essentials or the cost of mortgages—there are so many things. No one can pull a magic lever to bring these costs down, to accommodate the massive increase in inflation. People have had to cut costs and lower their standard of living to accommodate that, but the Government can raise the limits for election spending by over 80% at the drop of a hat.

We do not intend to oppose this instrument outright, as I said, but I hope that the Minister will agree that this rise does not reflect the reality that people are seeing in their day-to-day expenses. I hope that he also agrees with me that future Governments should not wait until two months before an election to carry out an increase that is 24 years late.

2.41 pm

Simon Hoare: I am grateful to the hon. Lady for her in-principle support for this measure and for her general approach to the issue. With regards to timing, this is the fourth of a quartet of SIs dealing with these matters. The Government will of course always strive to meet the Gould principle: we aim to comply with the principle wherever possible. This was a judgment call. I will be perfectly frank with the hon. Lady and with the Committee: we could have delayed this until after the elections in May. We took the view that, given the need for clarity on security and on upgrading, it was better to do it now. I take entirely the point that she made that it is relatively close to May to make the decision, but I took it in good faith, believing it to be helpful to candidates, particularly on security.

As for how the guidance on expenses will be dealt with, these things have to be done in a sensible and prudent way. Given the temperature of some of our political discourse in this country, I am tempted to say that security issues trump all, and the Electoral Commission and others who inspect candidates' returns will take that into account. That is not an excuse to defray other campaigning costs under the banner of security. To do so would not only be wrong; it would also be deeply dangerous and offensive to those whose memory I mentioned in my opening remarks, and to others. The hon. Lady was right to point to the spirit of International Women's Day and the disproportionate amount of abuse that female politicians receive, irrespective of party. We would do well to bear that in mind.

As my right hon. Friend the Prime Minister said on Friday outside Downing Street, our democracy feels slightly under threat. The defending democracy taskforce, which I sit on with my right hon. Friend the Minister for Security is bringing together a whole raft of agencies and involved parties to ensure that everybody who takes

[Simon Hoare]

part in our democratic life, whether they are a deliverer, campaigner, door knocker, putter-up of posters, candidate, candidate's agent, a member of a candidate's family or whoever, feels safe and secure in fulfilling that important role. If we want people to stand, they must feel safe to be able to do so. I know that the hon. Member for Vauxhall will agree with me on that. The whole purpose is to ensure that security is understood clearly by those standing and helping in those elections and those monitoring and regulating the expenditure.

We take this issue seriously. Where we think that there are new burdens, as the hon. Lady will know, with regard to voter ID and changes to postal votes, we have created a new burdens fund for local authorities. We keep those issues entirely and consistently under review, because—without sounding too lofty, because I think that there is comity between the Front Benchers on this—

we really cannot put a price on the functioning of our democracy. The Government stand ready to do whatever they can, wherever and however they can, to ensure the safe progress and conduct of our elections such that when results are declared, irrespective of which body there is an election to, the victorious are confident in the legitimacy of their victory, as are their supporters and voters, but, more importantly—I suppose this is really the fulcrum on which our democracy rests and works—the defeated know that they lost fairly, squarely and legitimately. Everything that we have been doing post the Elections Act 2022, with all the flow-through of statutory instruments, is designed with that key importance in mind. I hope that that is helpful to the hon. Lady.

Question put and agreed to.

2.46 pm

Committee rose.