

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT

Second Delegated Legislation Committee

DRAFT COMBINED AUTHORITIES  
(MAYORAL ELECTIONS) ORDER 2017

DRAFT COMBINED AUTHORITIES (MAYORS)  
(FILLING OF VACANCIES) ORDER 2017

*Tuesday 10 January 2017*

No proofs can be supplied. Corrections that Members suggest for the final version of the report should be clearly marked in a copy of the report—not telephoned—and must be received in the Editor’s Room, House of Commons,

**not later than**

**Saturday 14 January 2017**

© Parliamentary Copyright House of Commons 2017

*This publication may be reproduced under the terms of the Open Parliament licence, which is published at [www.parliament.uk/site-information/copyright/](http://www.parliament.uk/site-information/copyright/).*

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

*Chair:* IAN PAISLEY

- |                                                               |                                                                                                        |
|---------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|
| † Berger, Luciana ( <i>Liverpool, Wavertree</i> ) (Lab/Co-op) | † McMahon, Jim ( <i>Oldham West and Royton</i> ) (Lab)                                                 |
| † Bridgen, Andrew ( <i>North West Leicestershire</i> ) (Con)  | † Percy, Andrew ( <i>Parliamentary Under-Secretary of State for Communities and Local Government</i> ) |
| † Doyle-Price, Jackie ( <i>Thurrock</i> ) (Con)               | † Pow, Rebecca ( <i>Taunton Deane</i> ) (Con)                                                          |
| † Foxcroft, Vicky ( <i>Lewisham, Deptford</i> ) (Lab)         | † Robinson, Mary ( <i>Cheadle</i> ) (Con)                                                              |
| † Herbert, Nick ( <i>Arundel and South Downs</i> ) (Con)      | † Scully, Paul ( <i>Sutton and Cheam</i> ) (Con)                                                       |
| Hodge, Dame Margaret ( <i>Barking</i> ) (Lab)                 | † Selous, Andrew ( <i>South West Bedfordshire</i> ) (Con)                                              |
| † Howlett, Ben ( <i>Bath</i> ) (Con)                          |                                                                                                        |
| † Knight, Julian ( <i>Solihull</i> ) (Con)                    | Jonathan Whiffing, <i>Committee Clerk</i>                                                              |
| † Lucas, Ian C. ( <i>Wrexham</i> ) (Lab)                      |                                                                                                        |
| McFadden, Mr Pat ( <i>Wolverhampton South East</i> ) (Lab)    | † <b>attended the Committee</b>                                                                        |

## Second Delegated Legislation Committee

Tuesday 10 January 2017

[IAN PAISLEY *in the Chair*]

### Draft Combined Authorities (Mayoral Elections) Order 2017

2.30 pm

**The Parliamentary Under-Secretary of State for Communities and Local Government (Andrew Percy):** I beg to move,

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

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

**Andrew Percy:** It is a pleasure to serve under your chairmanship, Mr Paisley.

The draft orders were laid before the House on 28 November 2016. If approved, they will provide the rules on the conduct of elections of directly elected Mayors of combined authorities, the rules by which mayoral vacancies are to be declared and the procedure for filling those vacancies through by-elections. First and foremost, they will provide the rules on the conduct of the mayoral elections that will take place in May. The draft orders are part of our process of making good on devolution deals. They will also apply in subsequent elections. The second and smaller draft order addresses how vacancies in the mayoral office are to be handled, should one arise following the election.

To set the wider context, I should add that we are also introducing orders that will confer devolved powers on these Mayors once they have been elected. The first such order was for Greater Manchester; many of us here today are veterans of the debate on that order, which was approved just before Christmas.

I emphasise that the draft orders should be seen in the context of the full body of electoral law governing local elections throughout England. In making these orders, we have not sought to make piecemeal changes to that wider body of law. The rules set out in the draft Combined Authorities (Mayoral Elections) Order 2017 closely reflect the rules that apply to local authority elections and elections of police and crime commissioners and local authority Mayors. The order contains detailed provisions about the conduct of elections of directly elected Mayors of combined authorities, including rules on nomination arrangements, deposits, spending limits for candidates and the conduct of the poll itself. All of us on the Committee will be well aware of those rules, which largely replicate the generality of the election rules that operated for our election to Parliament. I shall therefore simply highlight the four areas in which we have made special provision for combined authority Mayors because the circumstances are such that the standard rules cannot be appropriately applied.

First, we have made particular provision for candidate deposits—the deposits that candidates have to lodge and that are returned to the candidate if their share of the vote is greater than 5%. The rule in the draft order provides for the deposit for a mayoral candidate to be £5,000, which is the same as that for PCC candidates.

Secondly, we are making particular provision for nomination arrangements, with respect to the number of signatures that a candidate needs to stand validly for election. The draft order requires combined authority mayoral candidates to secure a minimum of 100 signatures from electors. Moreover, at least 10 subscriptions must come from the area of each constituent council, to ensure that any candidate standing for election as Mayor of a combined authority can demonstrate that they have support in all of the constituent boroughs or authorities. In cases with more than 10 constituent authorities, candidates will still need at least 10 subscriptions from each area and will therefore need more than 100 signatures in total. That is a significantly greater requirement than that for local authority Mayors, but it reflects the size and varying geographies of the combined authorities. For example, it would prevent the nomination of candidates who secure support from one particular part of the combined authority—perhaps the rural hinterland—but who do not have support in the urban core.

Thirdly, we are making particular provision for candidate spending limits, which restrict how much each candidate is able to spend during the election. Local authority mayoral candidates are limited to £2,362, plus 5.9p per registered elector. The limit for combined authority mayoral candidates is £2,362 per constituent council in the combined authority, plus 5.9p per registered elector in the combined authority area. That provision, with the majority of funding being measured per capita, ensures that appropriate candidate spending limits are set across the range of mayoral combined authorities, which vary significantly in size across the country. When appropriately scaled for the number of electors, total candidate spending limits closely align with those for candidates for election as Mayor of London.

Fourthly, the order provides for the creation of a combined authority returning officer, appointed by the combined authority. That is similar to the provisions for PCC elections. In both of those roles, the respective returning officers are personally responsible for publishing the notice of elections, administering the nomination process, ensuring that candidates comply with the requirements and declaring the result—all the usual things for which a returning officer is responsible.

The Combined Authorities (Mayors) (Filling of Vacancies) Order 2017 provides the rules by which vacancies are to be declared in the office of Mayor, and the procedure by which they will be filled through by-elections. The order is necessary to establish the rules for when such vacancies occur. They apply best practice for the declaration and subsequent by-election to fill an elected role to the office of combined authority Mayors. Those provisions are required in advance of the election of combined authority Mayors, the first of which will take place in May, to ensure that any subsequent vacancies are appropriately and consistently dealt with. We do not want a situation where we have an election but no provision for filling any subsequent vacancies.

In conclusion, as I am sure you will be pleased to hear, Mr Paisley, the draft orders are vital to ensure that democratic elections can take place and that the public can choose who is going to be their local Mayor and exercise the new powers and functions. The details are set out in the orders, which provide a strong legal framework for the elections. They will also ensure that residents have confidence in the elections, that they are conducted fairly, and that the outcome of the poll reflects the wishes of the residents in the area. I commend both draft orders to the Committee.

**The Chair:** Thank you, Minister. I am always delighted to listen to your dulcet tones.

2.38 pm

**Jim McMahon** (Oldham West and Royton) (Lab): It is a pleasure to serve under your chairmanship, Mr Paisley. I congratulate the Minister on talking at length about what is a straightforward matter.

A few points of clarity would be helpful. Everybody present recognises the importance of these elections, not just because we value voter turnout, but because, in order to demonstrate the authority of Mayors, it is important to demonstrate that there has been a decent turnout and that people support them and acknowledge the importance of their role.

There are 18 designated areas in the UK where postal vote fraud and electoral fraud may be being carried out. Those areas are under special arrangements, so when people vote they have to provide both photo identification and a second form of ID, such as a utility bill, mortgage statement or council tax bill. Some of those areas will take part in the forthcoming mayoral elections, which in some cases means that a single voting officer will have to oversee different voting arrangements. Voters in the Oldham district of Greater Manchester will have to produce two forms of ID, but those a step over the road in the Manchester district will not. I would be grateful if the Minister could explain how he envisages a returning officer administering what are, in effect, two electoral processes in the same area.

On the points raised during the consultation, I fully support the principles that have been taken on board. I struggled to understand why the Greater Manchester combined authority asked to be able to decide for itself who should get the notice of election and voting cards. That should be determined by a national framework, and we are pleased that the Government have not gone with that recommendation. The spending limits make complete sense—they are in line with the calculations used locally—and the number of signatures required for a candidate to stand is also reasonable for the areas in question.

I am therefore happy to support the draft orders. I would be grateful for a response on the point about ID and how the returning officer will administer that process.

2.40 pm

**Andrew Percy:** I welcome the shadow Minister's support for the draft orders and the work that has gone into them. I take on board his point about Manchester's particular proposal, and I am pleased that he welcomes the Government's response to it.

The hon. Gentleman raised the important issue of electoral fraud. We were all concerned by the report, and I pay tribute to the work of my right hon. Friend the Member for Brentwood and Ongar (Sir Eric Pickles). For the avoidance of doubt, although we have listed the 18 areas that are most at risk of fraud allegations, the Government have been absolutely clear that that does not mean that we have earmarked them for pilots. No decision has been taken on pilots. I accept the shadow Minister's point about pilots meaning that the same election will take place under slightly different rules. That does not mean that pilots should not happen, because the primary issue is about dealing with electoral fraud, but we will have to make a considered judgment as we look to start the pilots. Although we have listed the 18 areas that are most at risk, we have not yet determined which of them will take part in the pilots. When we do so, I will, of course, be happy to talk about it with the hon. Gentleman.

I do not think that the hon. Gentleman raised any other issues. As he says, these important draft orders will allow us to get on, run the elections and create exciting new structures for England that will move away from here those powers that can be better exercised locally, closer to the people. They will also, importantly, allow new resources and funding to be determined and spent locally, in line with local priorities.

2.42 pm

**Nick Herbert** (Arundel and South Downs) (Con): I wonder whether I may take the opportunity to ask the Minister a couple of questions about the elections, following on from his helpful elucidation of the purpose of the draft orders. First, on the spending limits, what provision have the Government made with regard to the funding of candidates' promotion literature? One of the mistakes that we made with the PCC elections was not funding such literature, which resulted in a lower turnout. I wonder whether that is covered in the draft orders or elsewhere.

Secondly, on the provisions relating to ensuring local legitimacy in the combined area, what provision is there in the relevant legislation for requiring candidates to be resident in the wider area? Another mistake that we made in the PCC legislation was to statutorily require residency. That unreasonable requirement resulted in people trying to game the system by having a nominal address in the area, and it discouraged candidates who may have been excellent and had strong local links but who happened to have an address outside the area. There is an opportunity to put that right for mayoral elections, and I hope that it will also be put right for PCC elections. I apologise for not giving the Minister notice of those specific questions, but this seemed a good opportunity to raise them.

2.44 pm

**Andrew Percy:** My right hon. Friend makes an important point about the first PCC elections. I remember finding it strange that, even though an election in my own police area of Humberside, which is a very big area, was mandated by Parliament, no organised literature was distributed. The arrangements for the election under discussion are set out very clearly and are similar to those for the London mayoral election: a booklet will

*[Andrew Percy]*

go around—one for every elector, which is what the Electoral Commission recommended to the Government. With individual electoral registration, there is a good reason for that.

We also have to consider the issue in the context of the Department's work. We have put aside resources to encourage people to turn out, and we want people to be aware of them, but this is an evolving process. These are new structures, and I cannot pretend that people in the Dog and Duck and the Percy Arms, which is the pub in my village, are talking about devolution every weekend. Once a local Mayor is in post, whoever she or he is, and once people start seeing their powers being exercised and decisions being made, we will have to sell this for future elections. As with PCC elections, we are hopeful about the engagement that we can get for this first election, but once people start to see those powers being exercised and the influence that Mayors have on both a regional and a national stage, they will be even more excited about the prospect of devolution.

On the issue of being resident in the area, I am not going to be a hypocrite. When I was a local councillor, I ran several successful election campaigns against my Labour opponents who, shamefully, did not live in the ward in which they were trying to un-elect me. It would, therefore be a little hypocritical of me to agree with my

right hon. Friend about that, but I take his point about individuals who may live just outside the boundary of a local authority but who still have very strong links with it and possibly work in it. They are eligible to stand—they do not have to be resident if they work in the local area—but I have always campaigned strongly on the importance of living on my own patch and requiring my opponents to do the same. Actually, I prefer it when they do not, because that makes it easier. People sometimes have strong links to an area in which they do not necessarily live. One of the provisions relates to whether they are working or renting property in the area. Indeed, I think that one of the provisions states that someone who rents an allotment in a local authority area is entitled to stand for election there. Nevertheless, my right hon. Friend's point is important.

*Question put and agreed to.*

**DRAFT COMBINED AUTHORITIES  
(MAYORS) (FILLING OF VACANCIES)  
ORDER 2017**

*Resolved,*

That the Committee has considered the draft Combined Authorities (Mayors) (Filling of Vacancies) Order 2017.—(*Andrew Percy.*)

2.48 pm

*Committee rose.*