

## EXPLANATORY MEMORANDUM TO

### THE LOCAL AND GREATER LONDON AUTHORITY ELECTIONS (CORONAVIRUS, NOMINATION OF CANDIDATES) (AMENDMENT) (ENGLAND) RULES 2021

2021 No. 160

#### 1. Introduction

- 1.1 This explanatory memorandum has been prepared by Cabinet Office and is laid before Parliament by Command of Her Majesty.

#### 2. Purpose of the instrument

- 2.1 This time-limited instrument makes amendments to the rules governing the conduct of local council elections and the London mayoral elections. This will reduce the total number of subscribing electors that are required on a candidate nomination form. This is to reduce the amount of movement and person to person contact that may be needed as part of the nominations process, to reduce the risk of exposure to and transmission of the Coronavirus. Provisions relating to police and crime commissioner (“PCC”), combined authority and single authority mayoral elections (other than the London mayoral election) are included in a draft instrument that was laid before Parliament on 8th February 2021.

#### 3. Matters of special interest to Parliament

##### *Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

##### *Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

#### 4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.  
4.2 The territorial application of this instrument is England.

#### 5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

#### 6. Legislative Context

- 6.1 This instrument amends the Local Elections (Principal Areas) (England and Wales) Rules 2006 (S.I. 2006/3304) (the “local council elections rules”), which set out the rules for local council elections (other than parish and community elections), and the

Greater London Authority Elections Rules 2007 (S.I. 2007/3541) (the “GLA Rules”) which set out the rules governing the conduct of elections to the GLA.

- 6.2 The local council elections rules are amended to reduce the number of signatures required on a nomination paper from ten electors proposing, seconding or assenting to a candidate’s nomination down to two electors as proposing or seconding a candidate’s nomination. The changes to the local council elections rules cover candidates at county, district and London borough elections. Rules for the local parish and community council elections are set out in a separate instrument, which only requires subscriptions from two electors as proposing and seconding a candidate’s nomination and this instrument does not therefore make changes to those rules.
- 6.3 The GLA rules are amended to reduce the number of signatures required on a nomination paper of a candidate for the London mayoral election from 330 to 66, being a number which is twice the number of local authorities within the mayoral area (32 London boroughs and the City of London). The rules for the conduct of London Assembly elections (set out in Schedules 1, 2, 5 and 6 to the GLA rules) do not include a requirement for the nomination forms of candidates to be subscribed, and therefore no amendments are needed to the conduct rules for those elections.
- 6.4 The amendments made by this instrument apply only to elections taking place in England.

## **7. Policy background**

### *What is being done and why?*

- 7.1 The Government confirmed on 5th February 2021 that the range of polls scheduled for 6th May 2021, including local council and mayoral elections in England and PCC elections in England and Wales, will go ahead as planned in a similar way to previous polls, but there will be differences as a result of the coronavirus pandemic.
- 7.2 The Government has published a delivery plan<sup>1</sup> for the May 2021 polls which describes how these polls will proceed, from announcement to results, and then covers the four major areas that the Government is addressing: public health and social distancing; nominations and campaigning; voting; and the delivery of elections. The Government set out in the plan with regard to potential candidates standing for elected office, that it is introducing measures to reduce the travel and contact involved in completing their nomination form. Chloe Smith MP, the Minister of State for the Constitution and Devolution, Cabinet Office made a Written Ministerial Statement on 8th February 2021<sup>2</sup> which gave details of the measures to reduce the number of signatures required by candidates as part of the nominations process to stand at the May 2021 polls.
- 7.3 This change is being made to support effective nominations being completed and submitted during the coronavirus pandemic, and taking account of the need to make changes to support the protection of public health. The aim is to ensure that candidates can still show a level of support in accordance with the existing provisions but limit the need for travel and contact in obtaining the evidence of that support, which is provided by registered electors signing the nomination forms. Hence,

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<sup>1</sup> Available at: <https://www.gov.uk/government/publications/may-2021-polls-delivery-plan>

<sup>2</sup> Available at: <https://hansard.parliament.uk/commons/2021-02-08/debates/21020856000008/LocalElections>

reducing the number of signatures required for each type of nomination - to a basis of two per local authority area, whether for a poll within a single local authority or for electoral areas which contain a number of local authorities - will ensure the necessary support as currently required by legislation but significantly reduce the need for movement and contact between prospective candidates and electors.

- 7.4 The Government is not removing the signature requirements completely, as it is important there remains a democratic check and balance for candidates to demonstrate a degree of local support from local electors to nominate.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act 2018.

## **9. Consolidation**

- 9.1 This instrument does not consolidate any legislation.

## **10. Consultation outcome**

- 10.1 The Electoral Commission has been consulted in accordance with section 7(1) and (2)(d) of the Political Parties, Elections and Referendums Act 2000 (“PPERA”). The Electoral Commission was supportive of the changes being made. We have also had support for the changes from the Association of Electoral Administrators and in discussions with political party representatives via the Parliamentary Parties Panel.

## **11. Guidance**

- 11.1 The Electoral Commission and the Government will provide guidance to electoral administrators and candidates about the changes set out in the instrument.

## **12. Impact**

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because there is no impact on business.

## **13. Regulating small business**

- 13.1 This instrument does not apply to activities that are undertaken by small businesses.

## **14. Monitoring & review**

- 14.1 The Electoral Commission has a duty under section 6 of PERA to keep under review general matters that relate to elections, and are required to submit reports to the Secretary of State from time to time on matters specified in section 6. The Government will consider any recommendations made.
- 14.2 This instrument does not include a statutory review clause. The amendments expire at the end of the 28th February 2022, except in respect of elections for which a notice of election has been given on or before that date, so that existing rules return to force for the elections on 5th May 2022.

**15. Contact**

- 15.1 Paul Docker at the Cabinet Office Telephone: 0774 662 1898 or email: [paul.docker@cabinetoffice.gov.uk](mailto:paul.docker@cabinetoffice.gov.uk) can be contacted with any queries regarding the instrument.
- 15.2 Becca Crosier, Deputy Director for the Elections Division, at the Cabinet Office can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Chloe Smith MP, Minister of State for the Constitution and Devolution at the Cabinet Office can confirm that this Explanatory Memorandum meets the required standard.