EXPLANATORY MEMORANDUM TO

THE LOCAL ELECTIONS (PRINCIPAL AREAS) (ENGLAND AND WALES) (AMENDMENT) (ENGLAND) RULES 2022

2022 No. 1029

1. Introduction

1.1 This explanatory memorandum has been prepared by The Department for Levelling Up, Housing and Communities and is laid before Parliament by Command of His Majesty.

2. Purpose of the instrument

2.1 This Statutory Instrument amends the Local Elections (Principal Areas) (England and Wales) Rules 2006 No. 3304 (as amended by the Local Elections (Principal Areas) (England and Wales) (Amendment) (England) Rules 2018 No. 1308) (the "2006 Rules") to reduce the number of subscriber signatures required at elections of councillors of a principal area in England in support of candidate's nominations. Currently, a candidate must have the support, demonstrated by the provision of a signature, of a proposer, a seconder and eight subscribers. This instrument will remove the requirement for signatures from the eight subscribers. This will bring the requirement in line with local elections in Scotland and Wales.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments.

3.1 None.

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 elections of councillors of a principal area in England where poll is not taken together with poll at another election and where the poll is taken together with the poll at a relevant election or referendum. By virtue of the Local Elections (Principal Areas) (Wales) Rules 2021 No. 1459 (W. 374) and the Local Elections (Miscellaneous and Consequential Amendments) (Wales) Regulations 2022 No. 263 (W. 79), the 2006 Rules – and therefore this amending Statutory Instrument – no longer apply to the election of councillors of principal areas in Wales.

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 The 2006 Rules state the number of subscriber signatures required at local elections in England election. The instrument will reduce the number of signatures required in

support of a candidate's nomination from ten to two (the proposer and the seconder), removing the requirement for eight subscriber signatures.

7. Policy background

What is being done and why?

7.1 Under current rules candidates standing at elections of councillors of a principal area in England are required to get ten signatures from local electors in support of their nomination. The signatures must come from a proposer, a seconder and eight subscribers. The purpose of the subscriber signatures is to demonstrate that a candidate has local support for their candidature. Ahead of the May 2021 elections, a decision was taken to temporarily reduce the number of subscriber signatures required for various elections through the Local and Greater London Authority Elections (Coronavirus, Nomination of Candidates) (Amendment) (England) Rules 2021 No. 160. For elections of councillors of a principal area, the signature requirement was reduced to two (the first signature from the proposer and a second signature from the seconder). The aim was to minimise face to face interactions between electors and candidates/agents in the context of Covid-19. This was a temporary measure that expired after 12 months in February 2022.

7.2 Following representations from a range of Parliamentarians and consultation with the Parliamentary Parties Panel, the Government has concluded that it would be appropriate to reinstate this change on a permanent basis. The policy reasoning is that the requirement to get ten signatures presents an unnecessary impediment to candidates participating in local democracy. The current requirement for ten signatures mirrors that at UK Parliamentary elections, however, given that local electoral areas are generally considerably smaller than Parliamentary constituencies, it is considered that the support of two electors from the relevant area is sufficient for elections of councillors of a principal area. The change will also bring the requirements for principal area elections in England in line with those in Wales and Scotland.

8. European Union Withdrawal and Future Relationship

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

9. Consolidation

9.1 There are no plans to consolidate the instruments being amended at this time.

10. Consultation outcome

10.1 The Electoral Commission (EC) has been consulted in accordance with section 7(1) and (2)(e) of the Political Parties, Elections and Referendums Act 2000 ("the 2000 Act"). The Electoral Commission was content with the changes proposed in the instrument.

10.2 The Government also consulted the Parliamentary Parties Panel on the change and representatives of all parties present were in favour of the change.

Guidance

10.3 The EC provides guidance to support Returning Officers in the delivery of elections and candidates standing for election. The guidance will be updated to reflect the changes being made by this instrument.

11. Impact

11.1 There is no, or no significant, impact on business, charities or voluntary bodies.

11.2 There is no, or no significant, impact on the public sector.

11.3 A full Impact Assessment has not been prepared for this instrument because the legislation has no significant impact on activities undertaken by business, charities, voluntary bodies or the public sector.

12. Regulating small business

12.1 The legislation not apply to activities that are undertaken by small businesses.

13. Monitoring & review

13.1 The EC has a duty under section 6 of the 2000 Act to keep under review general matters that relate to elections and is able to submit a report to the Secretary of State. The Government will consider any recommendations made.

14. Contact

14.1 Eva Bassey at the Department for Levelling Up, Housing and Communities email: eva.bassey@levellingup.gov.uk can be contacted with any queries regarding the instrument.

14.2 Becca Crosier, Deputy Director for Elections, at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.

14.3 Andrew Stephenson, Parliamentary Under Secretary of State at the Department for Levelling Up, Housing and Communities can confirm that this Explanatory Memorandum meets the required standard.