



Local Government Act 2000

2000 CHAPTER 22

[^{F1}PART 1A

ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND

[^{F1}CHAPTER 4

CHANGING GOVERNANCE ARRANGEMENTS

Textual Amendments

- F1** Pt. 1A inserted (3.12.2011 for specified purposes, 15.1.2012 for the insertion of Pt. 1A Ch. 4 so far as not already in force and ss. 9B, 9C and 9R for specified purposes, 9.3.2012 for the insertion of ss. 9H-9HE in so far as not already in force and s. 9R for specified purposes, 4.5.2012 in so far as not already in force) by *Localism Act 2011* (c. 20), s. 240(2), **Sch. 2 para. 1**; S.I. 2011/2896, art. 2(e); S.I. 2012/57, art. 4(1)(b) (with arts. 6, 7, 9-11); S.I. 2012/628, art. 2(a); S.I. 2012/1008, art. 4(b)

Changes to governance arrangements by local authorities: general provision

9K Changing from one form of governance to another

- (1) A local authority may—
 - (a) cease to operate its existing form of governance, and
 - (b) start to operate a different form of governance.
- (2) This section is subject to section 9NA (effect of order requiring, and giving effect to, referendum on change to mayor and cabinet executive).

9KA Executive arrangements: different form of executive

- (1) A local authority which operates executive arrangements may—

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- (a) vary the arrangements so that they provide for a different form of executive, and
 - (b) if it makes such a variation, vary the arrangements in such other respects (if any) as it considers appropriate.
- (2) This section is subject to section 9NA (effect of order requiring, and giving effect to, referendum on change to mayor and cabinet executive).

9KB Executive arrangements: other variation of arrangements

A local authority which operates executive arrangements may vary those arrangements so that they—

- (a) differ from the existing arrangements in any respect, but
- (b) still provide for the same form of executive.

9KC Resolution of local authority

- (1) A resolution of a local authority is required in order for the authority to make a change in governance arrangements.
- (2) As soon as practicable after passing such a resolution a local authority must—
- (a) secure that copies of a document setting out the provisions of the arrangements that are to have effect following the resolution are available at its principal office for inspection by members of the public, and
 - (b) publish in one or more newspapers circulating in its area a notice which—
 - (i) states that the authority has resolved to make a change in its governance arrangements,
 - (ii) states the date on which the change is to have effect,
 - (iii) describes the main features of the change,
 - (iv) states that copies of a document setting out the provisions of the arrangements that are to have effect following the resolution are available at the authority's principal office for inspection by members of the public, and
 - (v) specifies the address of the authority's principal office.
- (3) Subsection (4) applies if a local authority passes a resolution in accordance with this section (“Resolution A”) which makes a change in governance arrangements of the kind set out in—
- (a) section 9K (change from one form of governance to another), or
 - (b) section 9KA (change to a different form of executive).
- (4) The local authority may not pass another resolution that makes a change in governance arrangements of a kind mentioned in subsection (3) (“Resolution B”) before the end of the period of 5 years beginning with the date Resolution A is passed, unless Resolution B is approved in a referendum held in accordance with this Chapter.
- (5) This section does not apply to a change in governance arrangements effected by an order under section 9N (power by order to require, and give effect to, referendum on change to mayor and cabinet executive).

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Modifications etc. (not altering text)

- C1** S. 9KC(2) applied (with modifications) (9.2.2012) by [The Local Authorities \(Conduct of Referendums\)\(England\) Regulations 2012 \(S.I. 2012/323\)](#), regs. 1, **17(8)**

Implementation of certain changes to governance arrangements

9L Implementation: change in form of governance or change in form of executive

- (1) This section applies if a local authority passes a resolution which makes a change in governance arrangements of the kind set out in—
 - (a) section 9K (change from one form of governance to another), or
 - (b) section 9KA (change to a different form of executive).
- (2) At a relevant change time, the local authority must—
 - (a) cease operating the old form of governance or (as the case may be) old form of executive, and
 - (b) start operating the form of governance or (as the case may be) form of executive which the change in governance arrangements provides for.
- (3) Subject to subsection (2) and section 9MB(2), the local authority may take steps for the purposes of preparing for the change or implementing it (including steps relating to transitional arrangements).
- (4) If the local authority is not currently operating a mayor and cabinet executive and the change does not provide for the local authority to operate a mayor and cabinet executive, a “relevant change time” for the purposes of subsection (2) is a time during—
 - (a) the first annual meeting of the local authority to be held after the resolution to make the change in governance arrangements is passed, or
 - (b) a later annual meeting of the local authority specified in that resolution.
- (5) If the local authority is not currently operating a mayor and cabinet executive and the change provides for the local authority to operate a mayor and cabinet executive, a “relevant change time” for the purposes of subsection (2) is—
 - (a) a time during the third day after the day of the declaration of the result of the poll at the first election of the mayor, or
 - (b) if a person is returned as the mayor at that first election without a poll being taken, a time during the third day after the day on which a poll would have been taken.
- (6) If the local authority is currently operating a mayor and cabinet executive and the change provides for the local authority to cease to operate a mayor and cabinet executive, a “relevant change time” for the purposes of subsection (2) is a time during the third day after the day on which the next ordinary election of a mayor was expected to be held when the resolution to make the change in governance arrangements was passed.

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Referendums

9M Cases in which change is subject to approval in a referendum in accordance with sections 9MA and 9MB

- (1) A change in governance arrangements which a local authority proposes to make by resolution is subject to approval in a referendum in either of the following cases.
- (2) The first case is where—
 - (a) the proposed change in governance arrangements is of a kind set out in—
 - (i) section 9K (change from one form of governance to another), or
 - (ii) section 9KA (change to a different form of executive), and
 - (b) the implementation of the local authority's existing form of governance or existing form of executive was approved in a referendum under this Chapter.
- (3) The second case is where the local authority resolves that a proposed change in governance arrangements is to be subject to approval in a referendum.

9MA Referendum: proposals by local authority

- (1) This section applies to a local authority which wishes to make a change in governance arrangements that is subject to approval in a referendum under section 9M.
- (2) The local authority must draw up proposals for the change.
- (3) The proposals must include—
 - (a) a timetable with respect to the implementation of the proposals,
 - (b) details of any transitional arrangements which are necessary for the implementation of the proposals, and
 - (c) a statement that the change in governance arrangements is to be subject to approval in a referendum.
- (4) Subsections (5) and (6) apply where the proposed change in governance arrangements is of the kind set out in—
 - (a) section 9K (change from one form of governance to another), or
 - (b) section 9KA (change to a different form of executive).
- (5) If the proposed change in governance arrangements would result in the local authority having executive arrangements, the proposals must state the extent to which the functions specified in regulations under section 9D(3)(b) are to be the responsibility of the executive which will be operated if the proposals are implemented.
- (6) The proposals (particularly any provision about timetables and transitional matters included in accordance with subsection (3)) must be such as to ensure that the proposed change can take effect (so far as required to) in accordance with section 9L(2).
- (7) After drawing up the proposals, the local authority must—
 - (a) secure that copies of a document setting out the proposals are available at its principal office for inspection by members of the public at all reasonable times, and
 - (b) publish in one or more newspapers circulating in its area a notice which—
 - (i) states that the authority has drawn up the proposals,
 - (ii) describes the main features of the proposals,

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- (iii) states that copies of a document setting out the proposals are available at the authority's principal office for inspection by members of the public at such times as may be specified in the notice, and
- (iv) specifies the address of the authority's principal office.

9MB Requirement to hold and give effect to referendum

- (1) This section applies to a local authority which wishes to make a change in governance arrangements that is subject to approval in a referendum under section 9M.
- (2) The local authority must, after complying with section 9MA(7), hold a referendum on its proposals before taking any steps to implement them.
- (3) The local authority may not pass a resolution which makes the proposed change unless the result of the referendum is to approve the proposals.
- (4) Any such resolution must be passed within the period of 28 days beginning with the day when the referendum is held.
- (5) Any such resolution must be passed at a meeting which is specially convened for the purpose of deciding the resolution with notice of the object.

9MC Referendum following petition

- (1) The Secretary of State may by regulations make provision for or in connection with requiring a local authority which receives a petition which complies with the provisions of the regulations to hold a referendum, in such circumstances as may be prescribed in the regulations, on whether the authority should have a relevant type of governance arrangement.
- (2) Regulations under subsection (1) may, in particular, include provision—
 - (a) as to the form and content of petitions (including provision for petitions in electronic form),
 - (b) as to the minimum number of local government electors for a local authority's area who must support any petition presented to the authority during any period specified in the regulations,
 - (c) for or in connection with requiring an officer of a local authority to publish the number of local government electors for the authority's area who must support any petition presented to the authority,
 - (d) as to the way in which local government electors for a local authority's area are to support a petition (including provision enabling local government electors to support petitions by telephone or by electronic means),
 - (e) as to the action which may, may not or must be taken by a local authority in connection with any petition,
 - (f) as to the manner in which a petition is to be presented to a local authority,
 - (g) as to the verification of any petition,
 - (h) as to the date on which, or the time by which, a referendum must be held,
 - (i) as to the action which may, may not or must be taken by a local authority before or in connection with a referendum,
 - (j) as to the action which may, may not or must be taken by a local authority after a referendum, and

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- (k) for or in connection with enabling the Secretary of State, in the event of any failure by a local authority to take any action permitted or required by virtue of the regulations, to take that action.
- (3) Provision made by virtue of subsection (2) may, in particular, apply or reproduce (with or without modifications) any provisions of, or made under, this Chapter.
- (4) The number of local government electors mentioned in subsection (2)(b) is to be calculated at such times as may be provided by regulations under this section and (unless such regulations otherwise provide) is to be 5 per cent of the number of local government electors at each of those times.
- (5) This section is subject to section 9NA (effect of order requiring, and giving effect to, referendum on change to mayor and cabinet executive).

9MD Referendum following direction

- (1) The Secretary of State may by regulations make provision for or in connection with enabling the Secretary of State, in such circumstances as may be prescribed in the regulations, to direct a local authority to hold a referendum on whether it should have a relevant type of governance arrangements specified in the direction.
- (2) Regulations under this section may, in particular, include provision—
 - (a) as to the date on which, or the time by which, a referendum must be held,
 - (b) as to the action which may, may not or must be taken by a local authority before or in connection with a referendum,
 - (c) as to the action which may, may not or must be taken by a local authority after a referendum, and
 - (d) for or in connection with enabling the Secretary of State, in the event of any failure by a local authority to take any action permitted or required by virtue of the regulations, to take that action.
- (3) Provision made by virtue of subsection (2) may, in particular, apply or reproduce (with or without modifications) any provisions of, or made under, this Chapter.
- (4) This section is subject to section 9NA (effect of order requiring, and giving effect to, referendum on change to mayor and cabinet executive).

9ME Referendum following order

- (1) The Secretary of State may by order make provision requiring every local authority, or every local authority falling within a description of authority specified in the order, to hold a referendum on whether they should have a relevant type of governance arrangements specified in the order.
- (2) An order under this section may, in particular, include provision—
 - (a) as to the date on which, or the time by which, a referendum must be held,
 - (b) as to the action which may, may not or must be taken by a local authority before or in connection with a referendum,
 - (c) as to the action which may, may not or must be taken by a local authority after a referendum, and

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- (d) for or in connection with enabling the Secretary of State, in the event of any failure by a local authority to take any action permitted or required by virtue of the order, to take that action.
- (3) Provision made by virtue of subsection (2) may, in particular, apply or reproduce (with or without modifications) any provisions of, or made under, this Chapter.
- (4) This section is subject to section 9NA (effect of order requiring, and giving effect to, referendum on change to mayor and cabinet executive).

9MF Further provision with respect to referendums

- (1) If a local authority holds a referendum under this Chapter (“Referendum A”) it may not hold, or be required to hold, another referendum under this Chapter (“Referendum B”) within the period of ten years beginning with the date of Referendum A, unless subsection (2) or (3) applies.
- (2) This subsection applies if—
 - (a) Referendum A was held by the authority by virtue of an order under section 9N (power by order to require, and give effect to, referendum on change to mayor and cabinet executive), and
 - (b) the proposal for the authority to operate a mayor and cabinet executive was rejected in Referendum A.
- (3) This subsection applies if Referendum B is required to be held by virtue of an order made under section 9N.
- (4) If the result of a referendum held by virtue of regulations, an order or a direction made under any provision of this Chapter is to approve the proposals to which the referendum relates, the local authority concerned must implement those proposals.
- (5) If the result of a referendum held by virtue of regulations, an order or a direction made under any provision of this Chapter is to reject the proposals to which the referendum relates, the local authority concerned may not implement those proposals.
- (6) Subsections (4) and (5) do not apply to a referendum held by virtue of section 9N (but see section 9N(2)(c)).

9MG Voting in and conduct of referendums

- (1) The persons entitled to vote in a referendum held by a local authority under this Chapter are those who on the day of the referendum—
 - (a) would be entitled to vote as electors at an election of councillors for an electoral area which is situated within the authority's area, and
 - (b) are registered in the register of local government electors at an address within the authority's area.
- (2) The Secretary of State [^{F2}or the Lord President of the Council] may by regulations make provision as to the conduct of referendums under this Chapter.
- (3) The Secretary of State [^{F2}or the Lord President of the Council] may by regulations make provision for the combination of polls at referendums under this Chapter with polls at any elections.

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- (4) Regulations under subsection (2) or (3) may apply or incorporate, with or without modifications or exceptions, any provision of any enactment (whenever passed or made) relating to elections or referendums.
- (5) Regulations under subsection (2) may, in particular, include provision—
- (a) as to the question to be asked in a referendum,
 - (b) as to the publicity to be given in connection with a referendum (including the publicity to be given with respect to the consequences of the referendum),
 - (c) about the limitation of expenditure in connection with a referendum (and the creation of criminal offences in connection with the limitation of such expenditure),
 - (d) as to the conduct of the authority, members of the authority and officers of the authority in relation to a referendum,
 - (e) as to when, where and how voting in a referendum is to take place,
 - (f) as to how the votes cast in a referendum are to be counted, and
 - (g) for disregarding alterations in a register of electors.
- (6) Before making any regulations under this section that include provision as to the question to be asked in a referendum, the Secretary of State [^{F3}or the Lord President of the Council] must consult the Electoral Commission.

Textual Amendments

- F2** Words in s. 9MG(2)(3) inserted (6.11.2013) by [The Transfer of Functions \(Elections and Referendums\) Order 2013 \(S.I. 2013/2597\)](#), art. 1(2), **Sch. para. 7(2)(b)** (with art. 3)
- F3** Words in s. 9MG(6) inserted (6.11.2013) by [The Transfer of Functions \(Elections and Referendums\) Order 2013 \(S.I. 2013/2597\)](#), art. 1(2), **Sch. para. 7(2)(b)** (with art. 3)

Modifications etc. (not altering text)

- C2** S. 9MG functions made exercisable concurrently (6.11.2013) by [The Transfer of Functions \(Elections and Referendums\) Order 2013 \(S.I. 2013/2597\)](#), arts. 1(2), **2(c)** (with art. 3)

Further provisions as to mayor and cabinet executive

9N Requiring referendum on change to mayor and cabinet executive

- (1) The Secretary of State may by order require a specified local authority to hold a referendum on whether the authority should operate a mayor and cabinet executive.
- (2) An order under this section may include provision—
- (a) as to the date on which, or the time by which, a referendum must be held,
 - (b) as to the action which may, may not or must be taken by a local authority before or in connection with a referendum,
 - (c) as to the effect of a referendum and the action which may, may not or must be taken by a local authority after a referendum,
 - (d) for or in connection with enabling the Secretary of State, in the event of any failure by a local authority to take any action permitted or required by virtue of the order, to take that action.

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- (3) Provision made by virtue of subsection (2) may, in particular, apply or reproduce (with or without modifications) any provisions of, or made under, this Chapter.
- (4) In this section “specified” means specified in an order made by the Secretary of State under this section.

9NA Effect of section 9N order

- (1) Subject as follows, the provisions of this Chapter listed in subsection (2) do not apply to a local authority in relation to whom an order under section 9N has been made (and has not been revoked) unless the proposal for the authority to operate a mayor and cabinet executive has been rejected in the referendum held under the order.
- (2) Those provisions are—
 - (a) section 9K (changing from one form of governance to another);
 - (b) section 9KA (executive arrangements: different form of executive);
 - (c) section 9MC (referendum following petition);
 - (d) section 9MD (referendum following direction);
 - (e) section 9ME (referendum following order).

9NB Variation of mayoral executive

- (1) This section applies to a change in governance arrangements of the kind set out in section 9KB (variation of executive arrangements) if the local authority is operating a mayor and cabinet executive.
- (2) The local authority may not resolve to make a change in governance arrangements unless the elected mayor has given written consent to the proposed change.

Miscellaneous

9O General

- (1) A local authority may not—
 - (a) cease to operate a form of governance, or
 - (b) vary executive arrangements,
 other than in accordance with this Chapter.
- (2) In making a change in governance arrangements, the local authority must comply with any directions given by the Secretary of State in connection with the making of such a change.

9OA Interpretation

- (1) This section applies for the purposes of this Chapter.
- (2) References to a change in governance arrangements are references to any change of a kind set out in sections 9K to 9KB.
- (3) References to a relevant type of governance arrangement are references to—
 - (a) a leader and cabinet executive (England);

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- (b) a mayor and cabinet executive;
 - (c) a committee system;
 - (d) any prescribed arrangements.
- (4) References to a form of governance are references to—
- (a) executive arrangements;
 - (b) a committee system;
 - (c) any prescribed arrangements.]

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