

EXPLANATORY MEMORANDUM TO
THE LOCAL AUTHORITY (REFERENDUMS RELATING TO COUNCIL TAX INCREASES) (DATE OF REFERENDUM) (ENGLAND) ORDER 2013

2013 No. 2862

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

To specify 22nd May 2014 (the date of the elections for the European Parliament and local government elections in 2014) as the date on which billing authorities required to hold more than one council tax referendum must hold them, and the latest date by which they may hold a council tax referendum if they are required to hold just one, in relation to the financial year beginning 1st April 2014.

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

None

4. **Legislative Context**

4.1 The Localism Act 2011 inserted a new chapter (chapter 4ZA) into the Local Government Finance Act 1992 to provide for council tax referendums to be held if an authority increases its relevant basic amount of council tax in excess of the principles (for example, a certain percentage) determined by the Secretary of State and approved by the House of Commons. Section 52ZG makes provision for the arrangements for council tax referendums, including when they should be held. Section 52ZN makes similar provision for council tax referendums held by billing authorities on behalf of major precepting authorities (county councils in areas where there is a county council and a district council, Police and Crime Commissioners, metropolitan county fire and civil defence authorities, combined fire and rescue authorities and the Greater London Authority) or local precepting authorities (parish, town or community councils, the chairman of a parish meeting where not formally constituted as a council, charter trustees, the sub-treasurer of the Inner Temple and the sub-treasurer of the Middle Temple) who have triggered a council tax referendum.

4.2 The period for elections for Members of the European Parliament in 2014 was set by Council Decision 2013/299/EU, Eurotom. The European Parliamentary Elections (Appointed Day of Poll) Order 2013 (SI 2013/2063) made under section 4 of the European Parliamentary Elections Act 2002 appointed the date of the European Parliamentary Elections. The Local Elections (Ordinary Day of Elections in 2014) Order 2013 changed the date of

local elections in 2014 so that it is the same date as the date of the European Parliamentary elections in that year

5. Territorial Extent and Application

This instrument applies to England only.

6. European Convention on Human Rights

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

7. Policy background

7.1 The Local Government Finance Act 1992 requires council tax referendums to be held on the first Thursday in May where two or more referendums are required covering the same area or, where there is just one council tax referendum to be held, it must be no later than the first Thursday in May.

7.2 In 2014 the date of local government elections in England is being moved from its ordinary day of 1 May to 22 May, so that they take place on the same day as the 2014 European Parliamentary elections.

7.3 In the event that any council tax referendums are required, the Government wishes to ensure that any costs to the authority of holding the referendum may be kept to a minimum. Therefore, it wishes to align any referendums with the date for the local government and European Parliamentary elections. This will allow authorities to make savings by combining any council tax referendums with other polls held on the same day. These Regulations therefore change the latest date by which a local authority is required to hold a council tax referendum, in relation to the financial year beginning 1st April 2014, from the first Thursday in May to 22nd May 2014 (where one referendum is being held in an area, authorities will still be able to choose the date as long as it is by 22 May). Where there is more than one council tax referendum to be held, these Regulations also change the date on which these are required to be held from the first Thursday in May to 22nd May.

8. Consultation outcome

There was no formal requirement to consult. The Electoral Commission were invited to offer a view on the Order and no comments were received.

9. Guidance

We will be writing to all local authorities subject to the council tax referendums provisions to inform them of the change in date, should they be required to hold a referendum in respect of financial year 2014-15, as well as to representative organisations for the local government sector.

10. Impact

10.1 The Order does not have an impact on the public sector, business, charities or voluntary bodies. As such an Impact Assessment is not required.

10.2 There are no new burdens on local authorities arising from moving the date of council tax referendums to the same day as the local government and European Parliamentary elections, rather the move should result in cost savings to local authorities by holding several polls on the same date.

11. Regulating small business

The Order does not apply to small business.

12. Monitoring & review

The Department does not intend to put in place any formal mechanism for monitoring and reviewing the Order. It only applies to the financial year beginning 1 April 2014.

13. Contact

Jasna Begum at the Department for Communities and Local Government, email: jasna.begum@communities.gsi.gov.uk can answer any queries regarding the instrument.