



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 2

#### LOCAL DEMOCRACY AND DEVOLUTION

### CHAPTER 2

#### OTHER PROVISION

##### *Local authority governance*

#### **71 Timing for changes in governance arrangements**

- (1) The Local Government Act 2000 is amended as follows.
- (2) In section 9KC (resolution of local authority)—
  - (a) in subsection (4)—
    - (i) the words from “Resolution B is approved” to the end of the subsection become paragraph (a), and
    - (ii) at the end of that paragraph insert “, or
    - (b) subsection (4A) applies and Resolution B is passed in accordance with subsection (4E).”, and
  - (b) after subsection (4) insert—

“(4A) This subsection applies where Resolution B—

    - (a) makes a change in governance arrangements—
      - (i) under section 9K for the local authority to start to operate executive arrangements, or
      - (ii) under section 9KA for the local authority to vary its executive arrangements so that they provide for a mayor and cabinet executive, and

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**Changes to legislation:** There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Section 71. (See end of Document for details)

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- (b) has not been approved in a referendum held in accordance with this Chapter.
- (4B) Where subsection (4A) applies, the local authority may submit a proposal to the Secretary of State for consent to pass Resolution B before the end of the period of 5 years beginning with the date Resolution A is passed.
- (4C) A proposal must specify—
  - (a) the change in governance arrangements to be made by Resolution B, and
  - (b) how the change is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area of the local authority.
- (4D) The Secretary of State may consent to a proposal only if the Secretary of State considers that the change in governance arrangements is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area of the local authority.
- (4E) If the Secretary of State consents to a proposal, the local authority may pass Resolution B—
  - (a) before the end of the 5 year period beginning with the date Resolution A is passed, but
  - (b) not later than the end of the 3 year period beginning with the date consent is given.
- (4F) The Secretary of State may by regulations make further provision about—
  - (a) the matters which must be addressed by a proposal under this section, and
  - (b) how a proposal is to be considered by the Secretary of State.”
- (3) In section 9MF (further provision with respect to referendums)—
  - (a) in subsection (1)—
    - (i) the words from “subsection (2)” to the end of the subsection become paragraph (a), and
    - (ii) at the end of that paragraph insert “, or
      - (b) subsection (3A) applies and Referendum B is held in accordance with subsection (3E).”, and
  - (b) after subsection (3) insert—
    - “(3A) This subsection applies if Referendum B is held under section 9M to approve a change in governance arrangements—
      - (a) under section 9K for the local authority to start to operate executive arrangements, or
      - (b) under section 9KA for the local authority to vary its executive arrangements so that they provide for a mayor and cabinet executive.
  - (3B) Where subsection (3A) applies, the local authority may submit a proposal to the Secretary of State for consent to hold Referendum B

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within the period of 10 years beginning with the date of Referendum A.

(3C) A proposal must specify—

- (a) the change in governance arrangements that is subject to approval in Referendum B, and
- (b) how the change is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area of the local authority.

(3D) The Secretary of State may consent to a proposal only if the Secretary of State considers that the change in governance arrangements is likely to improve the economic, social and environmental well-being of some or all of the people who live or work in the area of the local authority.

(3E) If the Secretary of State consents to a proposal, the local authority may hold Referendum B—

- (a) within the 10 year period beginning with the date of Referendum A, but
- (b) not later than the end of the 3 year period beginning with the date consent is given.

(3F) The Secretary of State may by regulations make further provision about—

- (a) the matters which must be addressed by a proposal under this section, and
- (b) how a proposal is to be considered by the Secretary of State.”

#### Commencement Information

**II** S. 71 in force at Royal Assent, see [s. 255\(2\)\(k\)](#)

**Changes to legislation:**

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