



Local Government Act 2000

2000 CHAPTER 22

[^{F1}PART 1A

ARRANGEMENTS WITH RESPECT TO LOCAL AUTHORITY GOVERNANCE IN ENGLAND

CHAPTER 4

CHANGING GOVERNANCE ARRANGEMENTS

[^{F1}Referendums

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\(b\)](#)

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.

Changes to legislation: Local Government Act 2000, Cross Heading: Referendums is up to date with all changes known to be in force on or before 15 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (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,
 - (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.

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- (4) Any such resolution must be passed
- [within the period of 28 days beginning with the day when the referendum is held^{F2(a)}, or
- (b) where paragraph (b) of section 9ND(7) (transfer of functions: changes in governance arrangements) applies, within the period of 28 days beginning with the day when the regulations mentioned in that subsection are amended or revoked.]

- (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.

[^{F4}(6) See section 9ND for further provision about referendums under section 9M.]

Textual Amendments

- F2** Words in s. 9MB(4) renumbered as s. 9MB(4)(a) (26.10.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 72(3)(a)(i), 255(2)(k)** (with s. 247)
- F3** S. 9MB(4)(b) and word inserted (26.10.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 72(3)(a)(ii), 255(2)(k)** (with s. 247)
- F4** S. 9MB(6) inserted (26.10.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 72(3)(b), 255(2)(k)** (with s. 247)

Modifications etc. (not altering text)

- C1** S. 9MB modified (E.) (7.4.2020) by [The Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020 \(S.I. 2020/395\)](#), regs. 1, **12(1)(4)**

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—
- as to the form and content of petitions (including provision for petitions in electronic form),
 - 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,
 - 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,
 - 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),
 - as to the action which may, may not or must be taken by a local authority in connection with any petition,
 - as to the manner in which a petition is to be presented to a local authority,
 - as to the verification of any petition,

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- (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
 - (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,

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- (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 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]^{F6}, or
 - ^{F5(a)} (b) subsection (3A) applies and Referendum B is held in accordance with subsection (3E).]
- (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.
- [This subsection applies if Referendum B is held under section 9M to approve a change ^{F7}(3A) 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 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.

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- (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.]
- (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)).
- [^{F8}(7) See section 9ND (transfer of functions: changes in governance arrangements) for further provision about referendums under section 9MC.]

Textual Amendments

- F5** Words in s. 9MF(1) renumbered as s. 9MF(1)(a) (26.10.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 71(3)(a)(i), 255(2)(k)** (with s. 247)
- F6** S. 9MF(1)(b) and word inserted (26.10.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 71(3)(a)(ii), 255(2)(k)** (with s. 247)
- F7** S. 9MF(3A)-(3F) inserted (26.10.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 71(3)(b), 255(2)(k)** (with s. 247)
- F8** S. 9MF(7) inserted (26.10.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), **ss. 72(4), 255(2)(k)** (with s. 247)

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 ^{F9}... may by regulations make provision as to the conduct of referendums under this Chapter.

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- (3) The Secretary of State ^{F10}... may by regulations make provision for the combination of polls at referendums under this Chapter with polls at any elections.
- (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 ^{F11}... must consult the Electoral Commission.]

Textual Amendments

- F9** Words in s. 9MG(2) omitted (8.12.2021) by virtue of [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 13(2)(b)** (with art. 12)
- F10** Words in s. 9MG(3) omitted (8.12.2021) by virtue of [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 13(2)(b)** (with art. 12)
- F11** Words in s. 9MG(6) omitted (8.12.2021) by virtue of [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 13(2)(b)** (with art. 12)
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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)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 21(2ZA) inserted by [2011 nawm 4 s. 59\(3\)](#)
- s. 21(13)(c) inserted by [2011 nawm 4 s. 59\(5\)\(b\)](#)
- s. 21(15A) inserted by [2011 nawm 4 s. 59\(6\)](#)
- s. 21(18) inserted by [2011 nawm 4 s. 59\(7\)](#)
- s. 21C(6)(aa)(ab) inserted by [2012 c. 7 Sch. 5 para. 97\(a\)](#)