



# Levelling-up and Regeneration Act 2023

## 2023 CHAPTER 55

### PART 2

#### LOCAL DEMOCRACY AND DEVOLUTION

#### CHAPTER 2

#### OTHER PROVISION

#### *Combined authorities*

### 58 Review of combined authority's constitutional arrangements

After section 104C of the Local Democracy, Economic Development and Construction Act 2009 (inserted by section 64(8)) insert—

#### **“104D Review of combined authority's constitutional arrangements**

- (1) This section applies if an order under section 104(1) (constitution of combined authority) enables a combined authority to make provision about its constitution (“constitutional provision”).
- (2) An appropriate person may carry out a review of the combined authority's constitutional provision if—
  - (a) an appropriate person proposes a review, and
  - (b) the combined authority consents to the review.
- (3) If an appropriate person carries out a review under subsection (2), they may propose changes to the combined authority's constitutional provision as a result of the review for agreement by the authority.
- (4) The question of whether to consent under subsection (2)(b) or to agree to changes proposed under subsection (3) is to be decided at a meeting of the

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combined authority by a simple majority of the voting members of the authority who are present at the meeting.

- (5) In the case of a mayoral combined authority—
- (a) a majority in favour of consenting under subsection (2)(b) does not need to include the mayor, but
  - (b) a majority in favour of changes proposed under subsection (3) must include the mayor.
- (6) The reference in subsection (4) to a voting member—
- (a) includes a substitute member who may act in place of a voting member;
  - (b) does not include a non-constituent member.
- (7) Subsection (4) applies instead of—
- (a) any provision of an order under section 104(1) made before the coming into force of this section which is about the procedure applying to a decision on a question of a kind mentioned in subsection (4), and
  - (b) any constitutional provision of a combined authority about such procedure.
- (8) In this section “appropriate person”, in relation to a combined authority, means—
- (a) a member of the authority appointed by a county council the whole or any part of whose area is within the area of the authority,
  - (b) a member of the authority appointed by a district council whose area is within the area of the authority, or
  - (c) the mayor for the area of the authority (if it is a mayoral combined authority).”

#### Commencement Information

II S. 58 in force at 26.12.2023, see s. 255(2)(d)

## 59 Consent to changes to combined authority’s area

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.
- (2) In section 104 (constitution of combined authority), after subsection (11) insert—
 

“(11A) If the only provision made under this section in an order under this Part is provision as a result of an order under section 106 (changes to boundaries of combined authority’s area)—

  - (a) subsection (10) does not apply to the order under this Part, and
  - (b) subsections (3A) to (3H) of section 106 apply in relation to the order as if it contained the provision made by the order under section 106.”
- (3) Section 106 (changes to boundaries of combined authority’s area) is amended in accordance with subsections (4) to (9).
- (4) For subsection (3A) substitute—

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“(3A) An order under this section adding or removing a local government area to or from an existing area of a mayoral combined authority may be made only if—

- (a) the relevant council in relation to the local government area consents, and
- (b) the mayor for the area of the combined authority consents.

(3AA) An order under this section adding or removing a local government area to or from an existing area of a combined authority which is not a mayoral combined authority may be made only if—

- (a) the relevant council in relation to the local government area consents, and
- (b) the combined authority consents.”

(5) In subsection (3B), for “subsection (3A)(a)” substitute “subsections (3A)(a) and (3AA)(a)”.

(6) In subsection (3C), after “subsection (3A)(a)” insert “or (3AA)(a)”.

(7) After subsection (3C) insert—

“(3CA) The question of whether to consent under subsection (3AA)(b) to an order under this section is to be decided at a meeting of the combined authority by a simple majority of the voting members of the authority who are present at the meeting.

(3CB) Subsection (3CA) applies instead of—

- (a) any provision of an order under section 104(1) made before the coming into force of that subsection which is about the procedure applying to a decision on a question of the kind mentioned in that subsection, and
- (b) any provision made by a combined authority about its constitution under such an order about such procedure.”

(8) For subsection (3D) substitute—

“(3D) Where an order under subsection (1)(b) is made as a result of the duty in section 105B(5) or 107B(4)—

- (a) subsection (2) does not apply, and
- (b) neither subsection (3A) nor subsection (3AA) applies.”

(9) After subsection (3D) insert—

“(3E) Subsection (3F) applies if a combined authority has made provision about its constitution under an order under section 104(1).

(3F) A decision about any change to that provision as a result of an order under this section is to be decided at a meeting of the combined authority by a simple majority of the voting members of the authority who are present at the meeting.

(3G) Subsection (3F) applies instead of—

- (a) any provision of an order under section 104(1) made before the coming into force of that subsection which is about the procedure applying to a decision on a question of the kind mentioned in that subsection, and

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- (b) any provision made by a combined authority about its constitution under such an order about such procedure.

(3H) A reference in this section to a voting member—

- (a) includes a substitute member who may act in place of a voting member;
- (b) does not include a non-constituent member.”

#### Commencement Information

**I2** S. 59 in force at Royal Assent, see [s. 255\(2\)\(e\)](#)

### 60 Changes to mayoral combined authority’s area: additional requirements

- (1) An order under section 106 of the Local Democracy, Economic Development and Construction Act 2009 which adds a local government area to an existing area of a mayoral combined authority may only be made during the relevant period if the consultation requirements in subsection (2) are met.
- (2) The consultation requirements are as follows—
  - (a) the Secretary of State has consulted the Local Government Boundary Commission for England,
  - (b) the mayor for the area of the combined authority has consulted the residents of the local government area which is to be added to that area, and
  - (c) the mayor has given the Secretary of State a report providing information about the consultation carried out under paragraph (b), and the Secretary of State has laid the report before Parliament.
- (3) In this section, “the relevant period” means the period of 9 months beginning with the day on which this Act is passed.

#### Commencement Information

**I3** S. 60 in force at Royal Assent, see [s. 255\(2\)\(e\)](#)

### 61 Consent to conferral of general functions on mayor

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.
- (2) In section 104 (constitution of combined authority), after subsection (11A) (inserted by section [59\(2\)](#)) insert—
 

“(11B) If the only provision made under this section in an order under this Part is provision as a result of an order to which section 107DA (procedure for direct conferral of general functions on mayor) applies—

  - (a) subsection (10) does not apply to the order under this Part, and
  - (b) the order may be made only with the consent of the mayor for the combined authority.”
- (3) In section 105B (section 105A orders: procedure), after subsection (5) insert—

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“(5A) The requirements in subsection (1) do not apply where the order is made under sections 105A and 107D in relation to an existing mayoral combined authority and provides for a function—

- (a) to be a function of the combined authority, and
- (b) to be a function exercisable only by the mayor.

See section 107DA in relation to an order of this kind.”

(4) In section 107D (functions of mayors: general), after subsection (10) insert—

“(11) The requirement in subsection (9) does not apply where the order is made under section 105A and this section in relation to an existing mayoral combined authority and provides for a function—

- (a) to be a function of the combined authority, and
- (b) to be a function exercisable only by the mayor.

See section 107DA in relation to an order of this kind.”

(5) After section 107D insert—

**“107DA Procedure for direct conferral of general functions on mayor**

(1) This section applies in relation to an order which is made under sections 105A and 107D in relation to an existing mayoral combined authority and provides for a function—

- (a) to be a function of the combined authority, and
- (b) to be a function exercisable only by the mayor.

(2) The Secretary of State may make the order only if a request for the making of the order has been made to the Secretary of State by the mayor.

(3) Before submitting a request under this section, the mayor must consult the constituent councils.

(4) A request under this section must contain—

- (a) a statement by the mayor that all of the constituent councils agree to the making of the order, or
- (b) if the mayor is unable to make that statement, the reasons why the mayor considers the order should be made even though not all of the constituent councils agree to it being made.

(5) In this section “constituent council” means—

- (a) a county council the whole or any part of whose area is within the area of the combined authority, or
- (b) a district council whose area is within the area of the combined authority.”

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**Commencement Information**

**I4** S. 61 in force at 26.12.2023, see s. 255(2)(f)

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## 62 Consent to conferral of police and crime commissioner functions on mayor

- (1) Section 107F of the Local Democracy, Economic Development and Construction Act 2009 (functions of mayors: policing) is amended as follows.
- (2) For subsection (4) substitute—
  - “(4) An order under subsection (1) may be made in relation to an existing mayoral combined authority only with the consent of the mayor of the authority.”
- (3) Omit subsection (9).

### Commencement Information

**I5** S. 62 in force at Royal Assent, see [s. 255\(2\)\(g\)](#)

## 63 Functions in respect of key route network roads

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.
- (2) In section 104, in subsection (10), for “An” substitute “Except as provided for by [section 107ZA\(7\)](#), an”.
- (3) In section 107D, in subsection (9), for “An” substitute “Except as provided for by [section 107ZA\(7\)](#), an”.
- (4) After section 107 insert—

*“Combined authorities: key route network roads*

### **107ZA Designation of key route network roads**

- (1) A combined authority may designate a highway or proposed highway in its area as a key route network road, or remove its designation as a key route network road, with the consent of—
  - (a) each constituent council in whose area the highway or proposed highway is, and
  - (b) in the case of a mayoral combined authority, the mayor.
- (2) The Secretary of State may designate a highway or proposed highway in the area of a combined authority as a key route network road, or remove its designation as a key route network road, if requested to do so by—
  - (a) the combined authority,
  - (b) the mayor (if any) of the combined authority, or
  - (c) a constituent council.
- (3) A designation or removal under this section must be in writing and must state when it comes into effect.
- (4) The Secretary of State must send a copy of a designation or removal under [subsection \(2\)](#) to the combined authority in question at least 7 days before the date on which it comes into effect.

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- (5) A combined authority must publish each designation or removal under this section of a key route network road within its area before the date on which it comes into effect.
- (6) A combined authority that has key route network roads in its area must keep a list or map (or both) accessible to the public showing those roads.
- (7) The requirements in section 104(10) and section 107D(9)(a) do not apply to provision under section 104(1)(d) and section 107D(1) contained in the same instrument so far as that provision—
- (a) confers a power of direction on an existing mayoral combined authority regarding the exercise of an eligible power in respect of key route network roads in the area of that combined authority,
  - (b) provides for that power of direction to be exercisable only by the mayor of the combined authority, and
  - (c) is made with the consent of the mayor after the mayor has consulted the constituent councils.
- (8) When a mayor consents under [subsection \(7\)\(c\)](#), the mayor must give the Secretary of State—
- (a) a statement by the mayor that all of the constituent councils agree to the making of the order, or
  - (b) if the mayor is unable to make that statement, the reasons why the mayor considers the order should be made even though not all of the constituent councils agree to it being made.
- (9) In this section—
- “constituent council” has the meaning given in section 104(11);
- “eligible power” has the meaning given by section 88(2) of the Local Transport Act 2008;
- “key route network road” means a highway or proposed highway designated for the time being under this section as a key route network road;
- “proposed highway” means land on which, in accordance with plans made by a highway authority, that authority are for the time being constructing or intending to construct a highway shown in the plans.”

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#### Commencement Information

**I6** S. 63 in force at 26.12.2023, see [s. 255\(2\)\(h\)](#)

## 64 Membership of combined authority

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.
- (2) Section 104 (constitution of combined authority) is amended in accordance with subsections [\(3\)](#) to [\(7\)](#).
- (3) In subsection (2), for “85” substitute “85(1) to (3)”.

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(4) For subsection (2A) substitute—

“(2A) But—

- (a) section 84 of that Act, in its application to a combined authority by virtue of subsection (1)(a), is subject to—
  - (i) sections 104A and 104B and regulations under section 104C (combined authority membership), and
  - (ii) sections 104D(4) and 106(3CA) and (3F) (procedure for combined authority consents), and
- (b) section 85(1) of that Act, in its application to a combined authority by virtue of subsection (2), is subject to subsections (2AA) and (2B).”

(5) After subsection (2A) insert—

“(2AA) Section 85(1)(a) has effect as if it required an order which includes provision about the number and appointment of members of a combined authority to provide for the authority’s members, other than—

- (a) the mayor (in the case of a mayoral combined authority),
- (b) the authority’s non-constituent members (see section 104A), and
- (c) the authority’s associate members (see section 104B),

to be appointed by the authority’s constituent councils.”

(6) Omit subsection (2C).

(7) In subsection (11), for “subsection (10)” substitute “this section”.

(8) After section 104 insert—

**“104A Non-constituent members of a combined authority**

- (1) A combined authority may designate a body other than a constituent council as a nominating body for the purposes of this Part.
- (2) A body may be designated under subsection (1) only if the body consents to the designation.
- (3) A nominating body of a combined authority may nominate a representative of the body for appointment by the authority as a member (a “non-constituent member”).
- (4) The non-constituent members of a combined authority are to be non-voting members of that authority unless the voting members resolve otherwise.
- (5) A resolution under subsection (4) does not permit non-constituent members to vote on a decision whether the combined authority should consent to the making of an order under this Part.
- (6) This section is subject to regulations under section 104C(4) (disapplication of this section).
- (7) In this section “constituent council”, in relation to a combined authority, means—
  - (a) a county council the whole or any part of whose area is within the area of the authority, or



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- (b) a district council whose area is within the area of the authority.

#### **104B Associate members of a combined authority**

- (1) A combined authority may appoint an individual to be a member (“an associate member”) of the combined authority.
- (2) The associate members of a combined authority are to be non-voting members of the authority.
- (3) This section is subject to regulations under section 104C(4) (disapplication of this section).

#### **104C Regulations about members**

- (1) The Secretary of State may by regulations make provision about—
- (a) constituent members of a combined authority;
  - (b) the mayor for the area of a combined authority in the mayor’s capacity as a member of the authority;
  - (c) nominating bodies of a combined authority;
  - (d) non-constituent members of a combined authority;
  - (e) associate members of a combined authority.
- (2) The provision that may be made by regulations under subsection (1) includes, in particular, provision about—
- (a) the cases in which a decision of a combined authority requires a majority, or a particular kind of majority, of the votes of members of a particular kind;
  - (b) the process for the designation of a nominating body or the removal of such a designation;
  - (c) the number of nominating bodies that may be designated by a combined authority;
  - (d) the number of non-constituent members that may be appointed by a combined authority;
  - (e) the appointment, disqualification, resignation or removal of a non-constituent member;
  - (f) the appointment of a substitute member to act in place of a non-constituent member;
  - (g) the maximum number of non-constituent members of a combined authority;
  - (h) the making by a nominating body of a combined authority of payments towards the costs of the authority;
  - (i) the things which may or may not be done by, or in relation to, a non-constituent member;
  - (j) the appointment, disqualification, resignation or removal of an associate member;
  - (k) the appointment of a substitute member to act in place of an associate member;
  - (l) the maximum number of associate members of a combined authority;

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- (m) the things which may or may not be done by, or in relation to, an associate member.
- (3) Regulations under subsection (1) may confer a discretion on a combined authority to determine any matter.
- (4) The Secretary of State may by regulations provide, in relation to a combined authority established by an order which came into force before the coming into force of this section—
- (a) for the relevant provisions about membership not to apply in relation to the authority, or
  - (b) for the authority to determine whether the relevant provisions about membership are to apply in relation to the authority.
- (5) In subsection (4) “the relevant provisions about membership” means—
- (a) the amendments to section 104 made by section 64(2) to (7) of the Levelling-up and Regeneration Act 2023, and
  - (b) sections 104A and 104B.
- (6) Regulations under subsection (1) or (4) may make incidental, supplementary, consequential, transitional, transitory or saving provision.
- (7) In this section “constituent member”, in relation to a combined authority, means a member of the authority (other than any mayor for the area of the authority) appointed by—
- (a) a county council the whole or any part of whose area is within the area of the authority, or
  - (b) a district council whose area is within the area of the authority.”
- (9) In section 105 (constitution of combined authority), after subsection (3) insert—
- “(3ZA) But section 92, in its application to a combined authority by virtue of subsection (3), is subject to regulations under section 104C(1) (combined authority membership).”
- (10) In section 107C (deputy mayors etc), after subsection (6) insert—
- “(6A) References in this section to a member of a combined authority do not include a non-constituent or associate member.”
- (11) In section 107D (functions of mayors: general)—
- (a) after subsection (3) insert—
 

“(3A) The reference in subsection (3)(b) to a member of a combined authority does not include a non-constituent or associate member.”,

and
  - (b) after subsection (4) insert—
 

“(4A) An order under subsection (3)(c) must provide that the committee must not consist solely of non-constituent or associate members.”
- (12) In section 107G (mayors for combined authority areas: financial provision), after subsection (6) insert—
- “(6A) The reference in subsection (6)(b)(i) to a member of a combined authority does not include a non-constituent or associate member.”

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- (13) In section 120 (interpretation), at the appropriate places insert—
- ““associate member” has the meaning given by section 104B(1);”;
  - ““nominating body” means a body designated under section 104A(1);”, and
  - ““non-constituent member” has the meaning given by section 104A(3);”.

**Commencement Information**

I7 S. 64 in force at 26.12.2023, see s. 255(2)(h)

**65 Proposal for establishment of combined authority**

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended in accordance with subsections (2) to (8).
- (2) Omit sections 108 (review by authorities: new combined authority) and 109 (preparation and publication of scheme: new combined authority).
- (3) Before section 110 insert—

**“109A Proposal for new combined authority**

- (1) One or more authorities to which this section applies may—
  - (a) prepare a proposal for the establishment of a combined authority for an area, and
  - (b) submit the proposal to the Secretary of State.
- (2) This section applies to the following authorities—
  - (a) a county council the whole or any part of whose area is within the proposed area;
  - (b) a district council whose area is within the proposed area;
  - (c) an EPB the whole or any part of whose area is within the proposed area;
  - (d) an ITA the whole or any part of whose area is within the proposed area;
  - (e) a combined county authority the whole or any part of whose area is within the proposed area.
- (3) In this section—
  - “combined county authority” means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;
  - “the proposed area” means the area for which the combined authority is proposed to be established.
- (4) Before submitting a proposal under this section to the Secretary of State, the authority or authorities preparing the proposal must—
  - (a) carry out a public consultation across the proposed area on the proposal, and
  - (b) have regard to the results of the consultation in preparing the proposal for submission to the Secretary of State.

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- (5) The requirements in subsection (4) may be satisfied by things done before the coming into force of this section.
- (6) If a proposal under this section is not submitted by all of the authorities to which this section applies, each authority which does not submit the proposal must consent to its submission to the Secretary of State.
- (7) A proposal under this section must specify the purposes to be achieved by the establishment of the combined authority.
- (8) The Secretary of State may by regulations—
- (a) make further provision about the matters which must be addressed by a proposal under this section;
  - (b) make provision about material which must be included in or submitted with a proposal under this section.
- (9) Regulations under subsection (8) may make incidental, supplementary, consequential, transitional, transitory or saving provision.”
- (4) Section 110 (requirements in connection with establishment of combined authority) is amended in accordance with subsections (5) to (8).
- (5) In subsection (1), for paragraph (a) substitute—
- “(a) the Secretary of State considers that to do so 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,
  - (aa) the Secretary of State considers that to do so is appropriate having regard to the need—
    - (i) to secure effective and convenient local government, and
    - (ii) to reflect the identities and interests of local communities,
  - (ab) where a proposal for the establishment of the combined authority has been submitted under section 109A, the Secretary of State considers that its establishment will achieve the purposes specified under subsection (7) of that section.”
- (6) For subsection (1A) substitute—
- “(1A) If a proposal for the establishment of the combined authority has been submitted under section 109A, the Secretary of State must have regard to the proposal in making the order.”
- (7) In subsection (2), for paragraphs (a) and (b) (and the “and” at the end of paragraph (b)) substitute—
- “(a) a proposal has been prepared under section 109A,
  - (b) a public consultation has been carried out in connection with the proposal and the Secretary of State has been provided with a summary of the consultation responses, and”.
- (8) Omit subsection (4).
- (9) This section does not affect—
- (a) the operation of section 108 of the Local Democracy, Economic Development and Construction Act 2009 in relation to a review that began before this section came into force, or

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- (b) the operation of section 109 of that Act in relation to the preparation and publication of a scheme following such a review.
- (10) The amendments made by subsections (5) to (8) do not apply to section 110 of that Act as it has effect in relation to—
- (a) the making of an order in response to a scheme under section 109 of that Act, or
  - (b) the making of an order otherwise than in response to a scheme, where a draft of the statutory instrument containing the order was laid before Parliament before the coming into force of this section.

**Commencement Information**

**I8** S. 65 in force at 26.12.2023, see s. 255(2)(h)

**66 Proposal for changes to existing combined arrangements**

- (1) The Local Democracy, Economic Development and Construction Act 2009 is amended in accordance with subsections (2) to (9).
- (2) Omit sections 111 (review by authorities: existing combined authority) and 112 (preparation and publication of scheme: existing combined authority).
- (3) Before section 113 insert—

**“112A Proposal for changes to existing combined arrangements**

- (1) One or more authorities to which this section applies may—
  - (a) prepare a proposal for the making of an order under section 104, 105, 105A, 106, 107, 107A, 107D or 107F in relation to an existing combined authority, and
  - (b) submit the proposal to the Secretary of State.
- (2) This section applies to the following authorities—
  - (a) the combined authority;
  - (b) a county council the whole or any part of whose area is within the area of the combined authority;
  - (c) a district council whose area is within the area of the combined authority;
  - (d) in the case of a proposal for the making of an order under section 106 to add all or part of the area of a county council to the area of the combined authority, that county council;
  - (e) in the case of a proposal for the making of an order under section 106 to add the area of a district council to the area of the combined authority, that district council.
- (3) Before submitting a proposal under this section to the Secretary of State, the authority or authorities preparing the proposal must—
  - (a) carry out a public consultation across—
    - (i) the area of the combined authority, and

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- (ii) in the case of a proposal for the making of an order under section 106 to add a local government area to the area of the combined authority, that local government area, and
  - (b) have regard to the results of the consultation in preparing the proposal for submission to the Secretary of State.
- (4) The requirements in subsection (3) may be satisfied by things done before the coming into force of this section.
- (5) Before a proposal under this section for the making of an order is submitted to the Secretary of State, each person who would have to consent to the making of the order must consent to the submission of the proposal.
- (6) If a proposal under this section is submitted to the Secretary of State by an authority, the authority is to be treated as having consented to its submission for the purposes of subsection (5).
- (7) In determining for the purposes of subsection (5) who would have to consent to the making of an order under section 105A, subsections (3) and (4) of section 105B (limited consent requirements) are to be disregarded.
- (8) In determining for the purposes of subsection (5) who would have to consent to the making of an order under section 107A, section 107B(3)(b) (limited consent requirements) is to be disregarded.
- (9) A proposal under this section must specify the purposes to be achieved by the order which it proposes should be made.
- (10) The Secretary of State may by regulations—
  - (a) make further provision about the matters which must be addressed by a proposal under this section;
  - (b) make provision about material which must be included in or submitted with a proposal under this section.
- (11) Regulations under subsection (10) may make incidental, supplementary, consequential, transitional, transitory or saving provision.”
- (4) Section 113 (requirements in connection with changes to existing combined arrangements) is amended in accordance with subsections (5) to (9).
- (5) In subsection (1), for “106 or 107” substitute “105A, 106, 107, 107A, 107D or 107F”.
- (6) In subsection (1), for paragraph (a) (and the “and” at the end of that paragraph) substitute—
  - “(a) the Secretary of State considers that to do so 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,
  - (aa) the Secretary of State considers that to do so is appropriate having regard to the need—
    - (i) to secure effective and convenient local government, and
    - (ii) to reflect the identities and interests of local communities,
  - (ab) where a proposal for the making of the order has been submitted under section 112A, the Secretary of State considers that making the order will achieve the purposes specified under subsection (9) of that section, and”.

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*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Chapter 2. (See end of Document for details)*

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(7) For subsection (1A) substitute—

“(1A) If a proposal for the making of the order has been submitted under section 112A, the Secretary of State must have regard to the proposal in making the order.”

(8) In subsection (2), for paragraphs (a) and (b) (and the “and” at the end of paragraph (b)) substitute—

- “(a) a proposal has been prepared under section 112A,
- (b) a public consultation has been carried out in connection with the proposal and the Secretary of State has been provided with a summary of the consultation responses, and”.

(9) Omit subsection (3).

(10) This section does not affect—

- (a) the operation of section 111 of the Local Democracy, Economic Development and Construction Act 2009 in relation to a review that began before this section came into force, or
- (b) the operation of section 112 of that Act in relation to the preparation and publication of a scheme following such a review.

(11) The amendments made by subsections (5) to (9) do not apply to section 113 of that Act as it has effect in relation to—

- (a) the making of an order in response to a scheme under section 112 of that Act, or
- (b) the making of an order otherwise than in response to a scheme, where a draft of the statutory instrument containing the order was laid before Parliament before the coming into force of this section.

(12) The requirement to consult under section 113(2) of the Local Democracy, Economic Development and Construction Act 2009, as amended by this section, may be satisfied by consultation before (as well as after) the passing of this Act.

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**Commencement Information**

**19** S. 66 in force at Royal Assent, see [s. 255\(2\)\(i\)](#)

## **67** Consequential amendments relating to section 65 and 66

(1) The Local Democracy, Economic Development and Construction Act 2009 is amended as follows.

(2) In section 105B (section 105A orders: procedure)—

- (a) in subsection (1)—
  - (i) in paragraph (a), for “by the appropriate authorities,” substitute “—
    - (i) as part of a proposal under section 109A, or
    - (ii) in accordance with section 112A,” and
  - (ii) in paragraph (b), for the words from “the exercise” to the end of the paragraph substitute “the economic, social and environmental well-being of some or all of the people who live or work in the area or areas to which the order relates”, and

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- (b) omit subsection (11).
- (3) In section 107B (requirements in connection with orders under section 107A)—
  - (a) in subsection (1), for “by the appropriate authorities,” substitute “—
    - (a) as part of a proposal under section 109A, or
    - (b) in accordance with section 112A,” and
  - (b) omit subsection (2).
- (4) The amendments made by this section do not affect the operation of section 105B or 107B of the Local Democracy, Economic Development and Construction Act 2009 in relation to a proposal under that section made before the coming into force of this section.

#### Commencement Information

**I10** S. 67 in force at 26.12.2023, see s. 255(2)(j)

### 68 Regulations applying to combined authorities

- (1) Section 117 of the Local Democracy, Economic Development and Construction Act 2009 (orders under Part 6) is amended as follows.
- (2) In the heading, after “Orders” insert “and regulations”.
- (3) In subsection (1), after “Orders” insert “and regulations”.
- (4) In subsection (1A), after “An order” insert “or regulations”.
- (5) After subsection (3) insert—
  - “(3A) A statutory instrument that contains (whether alone or with any other provisions) regulations under section 104C(1), 104C(4), or 107K(1) may not be made unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.
  - (3B) A statutory instrument that—
    - (a) contains regulations under section 109A(8) or 112A(10), and
    - (b) is not by virtue of subsection (3A) subject to a requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,
 is subject to annulment by resolution of either House of Parliament.”
- (6) In subsection (4), after “Part” insert “or of regulations under section 104C(1) or (4)”.

#### Commencement Information

**I11** S. 68 in force at 26.12.2023, see s. 255(2)(j)

### 69 Combined authorities and combined county authorities: power to borrow

In section 23 of the Local Government Act 2003 (meaning of “local authority” for the purposes of Part 1), after subsection (10) insert—



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“(10A) If a draft of a statutory instrument containing regulations under subsection (5) or (8A) would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.”

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**Commencement Information**

**I12** S. 69 in force at 26.12.2023, see s. 255(2)(j)

## **70 Payment of allowances to committee members**

(1) In Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009 (combined authorities: overview and scrutiny committees and audit committees)—

(a) in paragraph 3(2) (power by order to make further provision about overview and scrutiny committees), after paragraph (a) insert—

“(aa) about the payment of allowances to members of such a committee who are members of a constituent council;”, and

(b) in paragraph 4(3) (power by order to make further provision about audit committees), after paragraph (b) insert—

“(c) the payment of allowances to members of the committee who are members of a constituent council (within the meaning of paragraph 3).”

(2) In Schedule 5C to that Act (mayors for combined authority areas: police and crime commissioner functions), after paragraph 5 insert—

“5A The Secretary of State may by order make provision about the payment of allowances to members of a police and crime panel established by virtue of an order under paragraph 4 who are members of a constituent council (within the meaning of paragraph 3 of Schedule 5A).”

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**Commencement Information**

**I13** S. 70 in force at 26.12.2023, see s. 255(2)(j)

### *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

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- (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
  - (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—

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*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Chapter 2. (See end of Document for details)*

“(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 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

**I14** S. 71 in force at Royal Assent, see [s. 255\(2\)\(k\)](#)

## 72 Transfer of functions: changes in governance arrangements

(1) The Local Government Act 2000 is amended in accordance with subsections (2) to (5).

(2) In section 9KC (resolution of local authority), after subsection (5) insert—

“(6) See sections [9NC](#) and [9ND](#) (transfer of functions: changes in governance arrangements) for further provision about when a resolution under this section may be passed.”

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*Status: This version of this chapter contains provisions that are prospective.*

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- (3) In section 9MB (requirement to hold and give effect to referendum)—
- (a) in subsection (4)—
    - (i) the words from “within the period” to the end of the subsection become paragraph (a), and
    - (ii) at the end of that paragraph insert “, 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.”, and
  - (b) after subsection (5) insert—
 

“(6) See section 9ND for further provision about referendums under section 9M.”
- (4) In section 9MF (further provision with respect to referendums), after subsection (6) insert—
- “(7) See section 9ND (transfer of functions: changes in governance arrangements) for further provision about referendums under section 9MC.”
- (5) After section 9NB insert—

*“Transfer of functions: changes in governance arrangements*

**9NC Transfer of functions: changes in governance arrangements not subject to a referendum**

- (1) This section applies where—
- (a) the Secretary of State has made regulations under section 16 of the Cities and Local Government Devolution Act 2016 (power to transfer etc public authority functions to certain local authorities) that provide for a function to be exercisable by a local authority,
  - (b) the local authority proposes to pass a resolution under section 9KC to make a relevant change in governance arrangements, and
  - (c) that change is not—
    - (i) subject to approval in a referendum under section 9M, or
    - (ii) required to be implemented by the local authority in accordance with section 9MF(4) (referendums under sections 9MC to 9ME).
- (2) The local authority may not pass the resolution unless the local authority complies with this section.
- (3) The local authority must notify the Secretary of State of the proposed change in governance arrangements.
- (4) Where the Secretary of State receives such a notification, the Secretary of State must consider whether, as a result of the proposed change in governance arrangements, the regulations mentioned in subsection (1)(a) should be amended or revoked (see section 17(1) of the Cities and Local Government Devolution Act 2016).

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- (5) The Secretary of State must notify the local authority of the decision under subsection (4).
- (6) If the Secretary of State considers that the regulations should be amended or revoked, the local authority may not pass the resolution until the regulations have been so amended or revoked.
- (7) If the Secretary of State considers that the regulations should not be amended or revoked, the local authority may pass the resolution.
- (8) In this section—
  - “function” has the same meaning as in section 16 of the Cities and Local Government Devolution Act 2016;
  - “relevant change in governance arrangements” means—
    - (a) a change under section 9K for the local authority to cease to operate executive arrangements, or
    - (b) a change under section 9KA for the local authority to vary its executive arrangements so that they provide for a leader and cabinet executive.
- (9) This section is subject to section 9KC(3) and (4) (timing of change in governance arrangements).

#### **9ND Transfer of functions: changes in governance arrangements subject to a referendum**

- (1) This section applies where—
  - (a) the Secretary of State has made regulations under section 16 of the Cities and Local Government Devolution Act 2016 (power to transfer etc public authority functions to certain local authorities) that provide for a function to be exercisable by a local authority,
  - (b) the local authority proposes to pass a resolution under section 9KC to make a relevant change in governance arrangements, and
  - (c) that change is subject to approval in a referendum under section 9M.
- (2) This section also applies where—
  - (a) the Secretary of State has made regulations under section 16 of the Cities and Local Government Devolution Act 2016 that provide for a function to be exercisable by a local authority, and
  - (b) the local authority is required by regulations under section 9MC (referendum following petition) to hold a referendum on whether the authority should make a relevant change in governance arrangements.
- (3) The local authority may not—
  - (a) hold the referendum mentioned in subsection (1)(c) or (2)(b), or
  - (b) pass a resolution which makes the proposed change in governance arrangements,unless the local authority complies with this section.
- (4) The local authority must notify the Secretary of State of the proposed change in governance arrangements.

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- (5) Where the Secretary of State receives such a notification, the Secretary of State must consider whether, as a result of the proposed change in governance arrangements, the regulations mentioned in subsection (1)(a) or (2)(a) should be amended or revoked (see section 17(1) of the Cities and Local Government Devolution Act 2016).
- (6) The Secretary of State must notify the local authority of the decision under subsection (5).
- (7) If the Secretary of State considers that the regulations should be amended or revoked—
- (a) the local authority may hold the referendum mentioned in subsection (1)(c) or (2)(b), but
  - (b) if the result of the referendum is to approve the proposals, the local authority may not pass a resolution which makes the proposed change in governance arrangements until the regulations have been so amended or revoked.
- (8) If the Secretary of State considers that the regulations should not be amended or revoked, the local authority may hold the referendum mentioned in subsection (1)(c) or (2)(b) and (if the result of the referendum is to approve the proposals) pass the resolution.
- (9) In this section “function” and “relevant change in governance arrangements” have the same meaning as in section 9NC.
- (10) This section is subject to sections 9KC(3) and (4), 9MB and 9MF (timing of change in governance arrangements etc).”
- (6) In section 17 of the Cities and Local Government Devolution Act 2016 (section 16: procedure etc)—
- (a) in subsection (1)—
    - (i) omit the “and” at the end of paragraph (a), and
    - (ii) after paragraph (b) insert “, and
    - (c) where subsection (4A) applies to the regulations, the Secretary of State has had regard to the matters in subsection (4B).”, and
  - (b) after subsection (4) insert—
 

“(4A) This subsection applies to regulations under section 16 that—

    - (a) revoke or otherwise amend previous regulations under that section, and
    - (b) are made in response to a notification from a local authority under section 9NC(3) or 9ND(4) of the Local Government Act 2000 (transfer of functions: changes in governance arrangements) of a proposed change in governance arrangements.

(4B) The matters mentioned in subsection (1)(c) are—

    - (a) the circumstances of the area of the local authority, and
    - (b) the likely impact of the change in governance arrangements on—

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- (i) 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, and
- (ii) the accountability and decision-making of the local authority.”

**Commencement Information**

**I15** S. 72 in force at Royal Assent, see [s. 255\(2\)\(k\)](#)

**73 Power to transfer etc public authority functions to certain local authorities**

In section 17 of the Cities and Local Government Devolution Act 2016 (procedure for making regulations under section 16)—

- (a) in subsection (1)(b), for “the exercise of statutory functions” substitute “the economic, social and environmental well-being of some or all of the people who live or work”, and
- (b) before subsection (5) insert—

“(4C) The requirement in subsection (1)(b) does not apply to the making of regulations under section 16 where subsection (4A) applies to those regulations.”

**Commencement Information**

**I16** S. 73 in force at 26.12.2023, see [s. 255\(2\)\(l\)](#)

*Police and crime commissioners and the Mayor’s Office for Policing and Crime*

**74 Participation of police and crime commissioners at certain local authority committees**

In section 102(9) of the Local Government Act 1972 (appointment of committees), for “to which the commissioner is appointed in accordance with this section”, substitute “described in subsection (6)”.

**Commencement Information**

**I17** S. 74 in force at 26.12.2023, see [s. 255\(2\)\(l\)](#)

PROSPECTIVE

**75 Disposal of land**

In section 123 of the Local Government Act 1972 (disposal of land by principal councils), after subsection (2B) insert—

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“(2C) Police and crime commissioners and the Mayor’s Office for Policing and Crime are to be treated as principal councils for the purposes of this section.”

**Commencement Information**

**I18** S. 75 not in force at Royal Assent, see [s. 255\(2\)\(m\)](#)

*Alternative mayoral titles*

**76 Combined authorities: alternative mayoral titles**

After section 107G of the Local Democracy, Economic Development and Construction Act 2009 insert—

**“107H Alternative mayoral titles: new mayoral combined authorities**

- (1) This section applies to a mayoral combined authority where the order made under section 107A (power to provide for election of mayor) in relation to the authority comes into force on or after the date on which this section comes into force.
- (2) At the first meeting of the authority after the order made under section 107A comes into force, the authority must, by a resolution in accordance with subsection (4)—
  - (a) provide that the mayor for the area of the authority is to be known by the title of mayor, or
  - (b) change the title by which the mayor for the area of the authority is to be known to an alternative title mentioned in subsection (3).
- (3) The alternative titles are—
  - (a) county commissioner;
  - (b) county governor;
  - (c) elected leader;
  - (d) governor;
  - (e) a title that the authority considers more appropriate than the alternative titles mentioned in paragraphs (a) to (d), having regard to the title of other public office holders in the area of the authority.
- (4) The following requirements must be met in relation to the resolution mentioned in subsection (2)—
  - (a) particulars of the resolution must be included in the notice of the meeting,
  - (b) where the resolution includes a proposed alternative title mentioned in subsection (3)(e), the resolution must specify why the authority considers that the title is more appropriate than the other alternative titles mentioned in subsection (3), and
  - (c) the resolution must be passed at the meeting by a simple majority of the members of the authority who vote on it.



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- (5) Subsections (6) and (7) apply where under this section a mayoral combined authority changes the title by which the mayor for the area of the authority is to be known to an alternative title.
- (6) The authority must—
- (a) send notice of the change to the Secretary of State,
  - (b) publish the notice in the area of the authority in such manner as the authority considers appropriate, and
  - (c) publish the notice in such other manner as the Secretary of State may direct.
- (7) Where this subsection applies—
- (a) a reference in any enactment (whenever passed or made) to the mayor for the area of the authority is, unless the context otherwise requires, to be read as a reference to the alternative title by which the mayor is to be known, and
  - (b) references to mayor, mayoral (except in the expression “mayoral combined authority”) and deputy mayor are to be construed accordingly.
- (8) A change of title under this section does not affect the rights or obligations of any person or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of title.
- (9) In this section a reference to a member of a combined authority does not include a non-constituent member.
- (10) In this section “enactment”—
- (a) includes an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978, but
  - (b) does not include this section or sections 107I and 107J.

### **107I Alternative mayoral titles: existing mayoral combined authorities**

- (1) This section applies to a mayoral combined authority where the order made under section 107A (power to provide for election of mayor) in relation to the authority comes into force before the date on which this section comes into force.
- (2) The authority may, by a resolution in accordance with subsection (3), change the title by which the mayor for the area of the authority is to be known to one of the following alternative titles—
- (a) county commissioner;
  - (b) county governor;
  - (c) elected leader;
  - (d) governor;
  - (e) a title that the authority considers more appropriate than the alternative titles mentioned in paragraphs (a) to (d), having regard to the title of other public office holders in the area of the authority.
- (3) The following requirements must be met in relation to the resolution—

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- (a) the resolution must be considered at the first meeting of the authority held after a qualifying election for the return of the mayor,
  - (b) particulars of the resolution must be included in the notice of the meeting,
  - (c) where the resolution includes a proposed alternative title mentioned in subsection (2)(e), the resolution must specify why the authority considers that the title is more appropriate than the other alternative titles mentioned in subsection (2), and
  - (d) the resolution must be passed at the meeting by a simple majority of the members of the authority who vote on it.
- (4) Subsections (5) and (6) apply where under this section a mayoral combined authority changes the title by which the mayor for the area of the authority is to be known to an alternative title.
- (5) The authority must—
- (a) send notice of the change to the Secretary of State,
  - (b) publish the notice in the area of the authority in such manner as the authority considers appropriate, and
  - (c) publish the notice in such other manner as the Secretary of State may direct.
- (6) Where this subsection applies—
- (a) a reference in any enactment (whenever passed or made) to the mayor for the area of the authority is, unless the context otherwise requires, to be read as a reference to the alternative title by which the mayor is to be known, and
  - (b) references to mayor, mayoral (except in the expression “mayoral combined authority”) and deputy mayor are to be construed accordingly.
- (7) A change of title under this section does not affect the rights or obligations of any person or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of title.
- (8) In this section a reference to a member of a combined authority does not include a non-constituent member.
- (9) In this section—
- “enactment” has the same meaning as in section 107H;
  - “qualifying election” means an election for the return of the mayor, other than—
    - (a) the first election for the return of the mayor, and
    - (b) an election caused by a vacancy in the office of the mayor occurring before expiry of the mayor’s term of office.
- (10) This section is subject to section 107J.

### **107J Alternative mayoral titles: further changes**

- (1) This section applies where a mayoral combined authority has—

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- (a) by a resolution under section 107H or 107I or by a previous resolution under this section, changed the title by which the mayor for the area of the authority is to be known to an alternative title,
  - (b) by a resolution under section 107H, provided that the mayor for the area of the authority is to be known by the title of mayor, or
  - (c) by a previous resolution under this section, provided that the mayor for the area of the authority is no longer to be known by an alternative title.
- (2) The authority may, by a resolution in accordance with subsection (4)—
  - (a) in a subsection (1)(a) case—
    - (i) provide that the mayor is no longer to be known by the alternative title, or
    - (ii) change the title by which the mayor is to be known to an alternative title mentioned in subsection (3);
  - (b) in a subsection (1)(b) or (c) case, change the title by which the mayor is to be known to an alternative title mentioned in subsection (3).
- (3) The alternative titles are—
  - (a) county commissioner;
  - (b) county governor;
  - (c) elected leader;
  - (d) governor;
  - (e) a title that the authority considers more appropriate than the alternative titles mentioned in paragraphs (a) to (d), having regard to the title of other public office holders in the area of the authority.
- (4) The following requirements must be met in relation to the resolution mentioned in subsection (2)—
  - (a) the resolution must be considered at a relevant meeting of the authority,
  - (b) particulars of the resolution must be included in the notice of the meeting,
  - (c) where the resolution includes a proposed alternative title mentioned in subsection (3)(e), the resolution must specify why the authority considers that the title is more appropriate than the other alternative titles mentioned in subsection (3), and
  - (d) the resolution must be passed at the meeting by a simple majority of the members of the authority who vote on it.
- (5) In subsection (4)(a) “relevant meeting” means the first meeting of the authority held after a qualifying election for the return of the mayor, provided that the election is at least the third qualifying election since the resolution mentioned in subsection (1) was passed.
- (6) Where under this section an authority provides that the mayor for the area of the authority is no longer to be known by an alternative title, the authority must—
  - (a) send notice of the change to the Secretary of State,
  - (b) publish the notice in the area of the authority in such manner as the authority considers appropriate, and
  - (c) publish the notice in such other manner as the Secretary of State may direct.

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*Status: This version of this chapter contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Chapter 2. (See end of Document for details)*

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- (7) Subsections (8) and (9) apply where under this section an authority changes the title by which the mayor for the area of the authority is to be known to an alternative title.
- (8) The authority must—
- send notice of the change to the Secretary of State,
  - publish the notice in the area of the authority in such manner as the authority considers appropriate, and
  - publish the notice in such other manner as the Secretary of State may direct.
- (9) Where this subsection applies—
- a reference in any enactment (whenever passed or made) to the mayor for the area of the authority is, unless the context otherwise requires, to be read as a reference to the alternative title by which the mayor is to be known, and
  - references to mayor, mayoral (except in the expression “mayoral combined authority”) and deputy mayor are to be construed accordingly.
- (10) A change of title under this section does not affect the rights or obligations of any person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of title.
- (11) Where a combined authority to which section 107H applies does not pass a resolution as required by subsection (2) of that section, the authority is to be treated for the purposes of this section as if, at the meeting mentioned in that subsection, it had passed the resolution mentioned in section 107H(2)(a) (providing that the mayor is to be known by the title of mayor).
- (12) In this section a reference to a member of a combined authority does not include a non-constituent member.
- (13) In this section—
- “enactment” has the same meaning as in section 107H;
- “qualifying election” has the same meaning as in section 107I.

### **107K Power to amend list of alternative titles**

- The Secretary of State may by regulations amend section 107H(3), 107I(2) or 107J(3) to add, modify or remove a reference to an alternative title or a description of an alternative title.
- Regulations under subsection (1) may make incidental, supplementary, consequential, transitional, transitory or saving provision, including provision which makes consequential amendments to section 107H, 107I or 107J.”

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#### **Commencement Information**

**I19** S. 76 in force at 26.12.2023, see s. 255(2)(n)

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*Status: This version of this chapter contains provisions that are prospective.*  
*Changes to legislation: There are currently no known outstanding effects for the*  
*Levelling-up and Regeneration Act 2023, Chapter 2. (See end of Document for details)*

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## 77 Local authorities in England: alternative mayoral titles

- (1) The Local Government Act 2000 is amended as follows.
- (2) After section 9HE insert—

### “9HF Alternative mayoral titles

- (1) A local authority within subsection (8) may, by a resolution in accordance with subsection (2), change the title by which the elected mayor of the authority is to be known to one of the following alternative titles—
  - (a) county commissioner;
  - (b) county governor;
  - (c) elected leader;
  - (d) governor;
  - (e) a title that the authority considers more appropriate than the alternative titles mentioned in paragraphs (a) to (d), having regard to the title of other public office holders in the area of the authority.
- (2) The following requirements must be met in relation to the resolution—
  - (a) the resolution must be considered at a relevant meeting of the authority,
  - (b) particulars of the resolution must be included in the notice of the meeting,
  - (c) where the resolution includes a proposed alternative title mentioned in subsection (1)(e), the resolution must specify why the authority considers that the title is more appropriate than the other alternative titles mentioned in subsection (1), and
  - (d) the resolution must be passed at the meeting by a simple majority of the members of the authority who vote on it.
- (3) In subsection (2)(a) “relevant meeting” means—
  - (a) in the case of a local authority within subsection (8)(a), the first meeting of the authority held after a qualifying election for the return of the elected mayor,
  - (b) in the case of a local authority within subsection (8)(b), the meeting of the authority at which the resolution under section 9KC (resolution of local authority) is passed, and
  - (c) in the case of a local authority within subsection (8)(c), the first meeting of the authority held after the referendum mentioned in section 9N is held.
- (4) Subsections (5) and (6) apply where under this section a local authority changes the title by which the elected mayor of the authority is to be known to an alternative title.
- (5) The authority must—
  - (a) send notice of the change to the Secretary of State,
  - (b) publish the notice in the area of the authority in such manner as the authority considers appropriate, and
  - (c) publish the notice in such other manner as the Secretary of State may direct.

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*Status: This version of this chapter contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Chapter 2. (See end of Document for details)*

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- (6) Where this subsection applies—
- (a) a reference in any enactment (whenever passed or made) to the elected mayor of the authority is, unless the context otherwise requires, to be read as a reference to the alternative title by which the elected mayor is to be known, and
  - (b) references to mayor, mayoral and deputy mayor are to be construed accordingly.
- (7) A change of title under this section does not affect the rights or obligations of any person or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of title.
- (8) A local authority is within this subsection if—
- (a) it operates a mayor and cabinet executive,
  - (b) it passes a resolution in accordance with section 9KC (resolution of local authority) to make a change in governance arrangements which provides for the authority to operate a mayor and cabinet executive, or
  - (c) it holds a referendum by virtue of an order under section 9N (referendum on change to mayor and cabinet executive) and the proposal for the authority to operate a mayor and cabinet executive is approved in that referendum.
- (9) The Secretary of State may by regulations amend subsection (1) to add, modify or remove a reference to an alternative title or a description of an alternative title.
- (10) In this section—
- “enactment”—
- (a) includes an enactment comprised in subordinate legislation within the meaning of the Interpretation Act 1978, but
  - (b) does not include this section or section 9HG;
- “qualifying election” means an election for the return of the elected mayor, other than—
- (a) the first election for the return of the elected mayor, and
  - (b) an election caused by a vacancy in the office of the elected mayor occurring before expiry of the elected mayor’s term of office.
- (11) This section is subject to section 9HG.

### **9HG Alternative mayoral titles: further changes**

- (1) This section applies where a local authority has—
- (a) by a resolution under section 9HF or by a previous resolution under this section, changed the title by which the elected mayor of the authority is to be known to an alternative title, or
  - (b) by a previous resolution under this section, provided that the elected mayor of the authority is no longer to be known by an alternative title.
- (2) The authority may, by a resolution in accordance with subsection (4)—
- (a) in a subsection (1)(a) case—

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- (i) provide that the elected mayor is no longer to be known by the alternative title, or
    - (ii) change the title by which the elected mayor is to be known to an alternative title mentioned in subsection (3);
  - (b) in a subsection (1)(b) case, change the title by which the elected mayor is to be known to an alternative title mentioned in subsection (3).
- (3) The alternative titles are—
  - (a) county commissioner;
  - (b) county governor;
  - (c) elected leader;
  - (d) governor;
  - (e) a title that the authority considers more appropriate than the alternative titles mentioned in paragraphs (a) to (d), having regard to the title of other public office holders in the area of the authority.
- (4) The following requirements must be met in relation to the resolution mentioned in subsection (2)—
  - (a) the resolution must be considered at a relevant meeting of the authority,
  - (b) particulars of the resolution must be included in the notice of the meeting,
  - (c) where the resolution includes a proposed alternative title mentioned in subsection (3)(e), the resolution must specify why the authority considers that the title is more appropriate than the other alternative titles mentioned in subsection (3), and
  - (d) the resolution must be passed at the meeting by a simple majority of the members of the authority who vote on it.
- (5) In subsection (4)(a) “relevant meeting” means the first meeting of the authority held after a qualifying election for the return of the elected mayor, provided that the election is at least the third qualifying election since the resolution mentioned in subsection (1) was passed.
- (6) Where under this section a local authority provides that the elected mayor of the authority is no longer to be known by an alternative title, the authority must—
  - (a) send notice of the change to the Secretary of State,
  - (b) publish the notice in the area of the authority in such manner as the authority considers appropriate, and
  - (c) publish the notice in such other manner as the Secretary of State may direct.
- (7) Subsections (8) and (9) apply where under this section a local authority changes the title by which the elected mayor of the authority is to be known to an alternative title.
- (8) The authority must—
  - (a) send notice of the change to the Secretary of State,
  - (b) publish the notice in the area of the authority in such manner as the authority considers appropriate, and

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- (c) publish the notice in such other manner as the Secretary of State may direct.
- (9) Where this subsection applies—
- (a) a reference in any enactment (whenever passed or made) to the elected mayor of the authority is, unless the context otherwise requires, to be read as a reference to the alternative title by which the elected mayor is to be known, and
  - (b) references to mayor, mayoral and deputy mayor are to be construed accordingly.
- (10) A change of title under this section does not affect the rights or obligations of any person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of title.
- (11) The Secretary of State may by regulations amend subsection (3) to add, modify or remove a reference to an alternative title or a description of an alternative title.
- (12) In this section “enactment” and “qualifying election” have the same meaning as in section 9HF.”
- (3) In section 105(6) (orders and regulations), after “9HE,” insert “9HF(9), 9HG(11),”.

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**Commencement Information**

**I20** S. 77 in force at Royal Assent, see [s. 255\(2\)\(o\)](#)

*Local government capital finance*

**78 Capital finance risk management**

- (1) The Local Government Act 2003 is amended as follows.
- (2) After section 12 (power to invest) insert—

*“Risk management: England*

**12A Risk-mitigation directions**

- (1) The Secretary of State may give one or more risk-mitigation directions to a local authority in England, for the purpose of reducing or mitigating the financial risk to the authority, if—
  - (a) a trigger event has occurred in relation to the local authority, and
  - (b) the Secretary of State is satisfied that the direction is, or (as the case may be) directions are, appropriate and proportionate to the level of that financial risk.
- (2) A “trigger event” occurs if (and when)—
  - (a) a risk threshold is breached by the local authority (see [section 12B](#));



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- (b) a report is made by the chief finance officer of the local authority under section 114(3) of the Local Government Finance Act 1988 (report to effect that authority’s expenditure is likely to exceed available resources); or
  - (c) the Secretary of State—
    - (i) gives a direction under section 16(2)(b) (request for expenditure to be, or not be, treated as capital) in respect of the local authority, or
    - (ii) makes a grant to the local authority under an enactment, for the purpose of preventing circumstances arising that would require such a report to be made.
- (3) The following are “risk-mitigation directions”—
- (a) a direction that sets limits in relation to the borrowing of money by the local authority;
  - (b) a direction that requires the local authority to take action specified in the direction.
- (4) A direction under [subsection \(3\)\(a\)](#)—
- (a) may set different limits in relation to different kinds of borrowing;
  - (b) must specify the period for which any limit has effect.
- (5) A direction under [subsection \(3\)\(b\)](#)—
- (a) may (amongst other things) require the local authority to take action to divest itself of a specified asset;
  - (b) must specify the time by which any specified action must be taken.
- (6) In deciding whether or not to exercise a power to give a direction under this section, the Secretary of State must have regard to—
- (a) the likely impact of the direction on the provision of services to the public by or on behalf of the local authority;
  - (b) the duty imposed on the local authority by section 3(1) of the Local Government Act 1999 (best value duty).
- (7) In deciding whether or not to exercise a power to give a direction under this section, the Secretary of State may, in particular, take account of the likely impact of that decision on the implementation of any central government policy, project or programme.
- (8) The Secretary of State may not give a risk-mitigation direction unless the Secretary of State—
- (a) has given the local authority notice of the proposed direction, and of the right of the local authority to make written representations to the Secretary of State about it within the period specified in the notice, and
  - (b) has considered any representations made by the local authority to the Secretary of State within that period.
- (9) In this section, “financial risk”, in relation to a local authority, means the risk that the expenditure of the local authority (including expenditure it proposes to incur) in the current or any future financial year is likely to exceed, or further exceed, the resources (including sums borrowed) available to it to meet that expenditure.

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- (10) This section is subject to [section 12C](#) (restriction of power to give risk-mitigation directions).

### **12B Risk thresholds**

- (1) For the purposes of [section 12A\(2\)\(a\)](#), a risk threshold is breached by a local authority in England if (and when) a capital risk metric for the local authority breaches the specified threshold for that metric.
- (2) Each of the following is a “capital risk metric”—
- (a) the total of a local authority’s debt (including credit arrangements) as compared to the financial resources at the disposal of the authority;
  - (b) the proportion of the total of a local authority’s capital assets which is investments made, or held, wholly or mainly in order to generate financial return;
  - (c) the proportion of the total of a local authority’s debt (including credit arrangements) in relation to which the counter-party is not central government or a local authority;
  - (d) the amount of minimum revenue provision charged by a local authority to a revenue account for a financial year;
  - (e) any other metric specified by regulations made by the Secretary of State.
- (3) The Secretary of State may, by regulations, make further provision—
- (a) specifying whether the specified threshold for a particular metric is breached by a failure to reach that threshold or by that threshold being exceeded;
  - (b) about how the metrics specified in, or under, [subsection \(2\)](#) are to be calculated for the purpose of determining whether the specified threshold for that metric has been breached.
- (4) Before making regulations under [subsection \(2\)\(e\)](#), the Secretary of State must consult all local authorities in England.
- (5) In this section—
- “capital asset” has the meaning given by section 9;
  - “minimum revenue provision” has the meaning given by regulation 27 of the Local Authorities (Capital Finance and Accounting)(England) Regulations 2003 ([S.I. 2003/3146](#));
  - “specified” means specified, or determined in a manner specified, in regulations made by the Secretary of State.
- (6) Regulations may require a specified threshold to be determined having regard to guidance issued under section 21(1A) (accounting practices).

### **12C Restriction of power to give risk-mitigation directions**

- (1) If, after the power to give risk-mitigation directions becomes exercisable under [section 12A\(1\)](#) in relation to a local authority—
- (a) at least 12 months have elapsed since the Secretary of State last became aware of a trigger event having occurred in relation to the authority,

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- (b) any risk-mitigation direction given to the authority has been complied with or revoked, and
  - (c) the Secretary of State is satisfied no further risk-mitigation direction is likely to be required in the foreseeable future for the purpose of reducing or mitigating the financial risk to the authority,
- the Secretary of State must give the local authority a notice to that effect (“a cessation notice”).
- (2) Where a cessation notice is given, the power conferred by [section 12A\(1\)](#) is no longer exercisable, in relation to that authority, by reason of any trigger event of which the Secretary of State was aware at the time that notice was given.
  - (3) In this section “risk-mitigation direction”, “trigger event” and “financial risk” have the same meaning as in [section 12A](#).

### **12D Duty to cooperate with independent expert**

- (1) This section applies where—
  - (a) a trigger event has occurred in relation to a local authority in England,
  - (b) [section 12C\(2\)](#) does not apply to prevent the power conferred by [section 12A\(1\)](#) being exercisable, in relation to that authority, by reason of that event, and
  - (c) the Secretary of State has appointed an independent expert to review the level of the financial risk to the local authority.
- (2) The local authority must, so far as reasonably practicable, co-operate with the independent expert in any way that the independent expert considers necessary or expedient for the purposes of the conduct of the review.
- (3) In this section—
  - “financial risk” has the same meaning as in [section 12A](#);
  - “independent expert” means a person—
    - (a) who is independent of the local authority and the Secretary of State, and
    - (b) who has relevant experience or knowledge which is relevant to the matter in question;
  - “trigger event” has the same meaning as in [section 12A](#).”
- (3) In section 2 (control of borrowing), in subsection (1)—
  - (a) after paragraph (b) insert “, or”, and
  - (b) after that paragraph insert—
    - “(c) any limit for the time being applicable to it under section 12A.”
- (4) In section 5 (temporary borrowing)—
  - (a) in subsection (1), after “section 4” insert “or 12A”, and
  - (b) in subsection (2), after “section 4(2)” insert “or 12A”.
- (5) In section 8 (control of credit arrangements), in subsection (1)—
  - (a) after paragraph (b) insert “, or”, and
  - (b) after that paragraph insert—

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“(c) any limit for the time being applicable to it under section 12A.”

(6) In section 12 (power to invest), at the end insert—

“This is subject to a direction under section 12A (risk-mitigation directions).”

(7) In section 19 (application to parish and community councils), in subsection (1) for “9 to 13” substitute “9 to 12, 13”.

(8) In section 23 (meaning of “local authority” in Chapter 3 of Part 1), in subsection (4), after “1 to 8,” insert “12A to 12D,”.

#### Commencement Information

**I21** S. 78 not in force at Royal Assent, see [s. 255\(2\)\(p\)](#)

**I22** [S. 78](#) in force at 31.1.2024 by [S.I. 2024/92](#), [reg. 2\(a\)](#)

### Council tax

#### 79 Long-term empty dwellings: England

(1) In section 11B of the Local Government Finance Act 1992 (higher amount for long-term empty dwellings: England)—

(a) after subsection (1C) insert—

“(1D) In exercising its functions under this section a billing authority must have regard to any guidance issued by the Secretary of State.”;

(b) in subsection (8), for “2 years” substitute “1 year”.

(2) The amendments made by [subsection \(1\)](#) have effect for financial years beginning on or after 1 April 2024 (and, in relation to the amendment made by [subsection \(1\)\(b\)](#), it does not matter whether the period mentioned in section 11B(8) of the Local Government Finance Act 1992 begins before [this section](#) comes into force).

#### Commencement Information

**I23** S. 79 in force at Royal Assent, see [s. 255\(2\)\(q\)](#)

#### 80 Dwellings occupied periodically: England

(1) The Local Government Finance Act 1992 is amended in accordance with [subsections \(2\)](#) and [\(3\)](#).

(2) After section 11B (higher amount for long-term empty dwellings: England) insert—

##### “11C Higher amount for dwellings occupied periodically: England

(1) For any financial year, a billing authority in England may by determination provide in relation to its area, or such part of its area as it may specify in the determination, that if on any day the conditions mentioned in [subsection \(2\)](#) are satisfied in respect of a dwelling—

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- (a) the discount under section 11(2)(a) does not apply, and
  - (b) the amount of council tax payable in respect of that dwelling and that day is increased by such percentage of not more than 100 as it may specify in the determination.
- (2) The conditions are—
  - (a) there is no resident of the dwelling, and
  - (b) the dwelling is substantially furnished.
- (3) A billing authority's first determination under this section must be made at least one year before the beginning of the financial year to which it relates.
- (4) In exercising its functions under this section a billing authority must have regard to any guidance issued by the Secretary of State.
- (5) Where a determination under this section has effect in relation to a class of dwellings—
  - (a) the billing authority may not make a determination under section 11A(3), (4) or (4A) in relation to that class, and
  - (b) any determination that has been made under section 11A(3), (4) or (4A) ceases to have effect in relation to that class.
- (6) A billing authority may make a determination varying or revoking a determination under this section for a financial year, but only before the beginning of the year.
- (7) Where a billing authority makes a determination under this section it must publish a notice of the determination in at least one newspaper circulating in the area.
- (8) The notice must be published before the end of the period of 21 days beginning with the date of the determination.
- (9) The validity of the determination is not affected by a failure to comply with [subsection \(7\)](#) or [\(8\)](#).

#### **11D Section 11C: regulations**

- (1) The Secretary of State may by regulations prescribe one or more classes of dwelling in relation to which a billing authority may not make a determination under [section 11C](#).
- (2) A class of dwellings may be prescribed under [subsection \(1\)](#) by reference to such factors as the Secretary of State thinks fit and may, amongst other factors, be prescribed by reference to—
  - (a) the physical characteristics of, or other matters relating to, dwellings;
  - (b) the circumstances of, or other matters relating to, any person who is liable to the amount of council tax concerned.
- (3) The Secretary of State may by regulations specify a different percentage limit for the limit which is for the time being specified in [section 11C\(1\)\(b\)](#).
- (4) A statutory instrument containing regulations made under [subsection \(3\)](#) may not be made unless a draft of the instrument has been approved by resolution of the House of Commons.”

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- (3) In consequence of the amendment made by subsection (2)—
- (a) in section 11 (discounts), in subsection (2), after “11B” insert “, 11C”;
  - (b) in section 11A (discounts: special provision for England), in subsection (4C), at the end insert “and 11C(5)”;
  - (c) in section 13 (reduced amounts), in subsection (3), after “11B” insert “, 11C”;
  - (d) in section 66 (judicial review), in subsection (2)(b), after “11B” insert “, 11C”;
  - (e) in section 67 (functions to be discharged only by authority), in subsection (2)(a), after “11B” insert “, 11C”;
  - (f) in section 113 (orders and regulations), in subsection (3), after “under section” insert “11D(3),”;
  - (g) in Schedule 2 (administration), in paragraph 4(7), after “: England,” insert “11C(1)(b) (higher amount for dwellings occupied periodically: England),”.
- (4) A determination for the purposes of section 11C of the Local Government Finance Act 1992 as inserted by [subsection \(2\)](#) may not relate to a financial year beginning before 1 April 2024 (but this does not affect the requirement for the determination to be made at least one year before the beginning of the financial year to which it relates).

#### Commencement Information

**I24** S. 80 in force at Royal Assent, see [s. 255\(2\)\(q\)](#)

### *Street names*

## **81 Alteration of street names: England**

- (1) In this section “local authority” means—
- (a) a district council in England;
  - (b) a county council in England for an area for which there is no district council;
  - (c) a London borough council;
  - (d) the Common Council of the City of London.
- (2) A local authority within [subsection \(1\)\(a\)](#) or [\(b\)](#) may, by order, alter the name of a street, or any part of a street, in its area if the alteration has the necessary support.
- (3) Where a local authority has altered the name of a street, or any part of a street, under [subsection \(2\)](#), it may cause the altered name to be painted or otherwise marked on a conspicuous part of any building or other erection.
- (4) Any person who then wilfully, and without the consent of the local authority, obliterates, defaces, obscures, removes or alters the altered name painted or otherwise marked under [subsection \(3\)](#) is liable to a penalty not exceeding level 1 on the standard scale.
- (5) A local authority within [subsection \(1\)\(c\)](#) or [\(d\)](#) may exercise the power conferred by section 6(1) of the London Building Acts (Amendment) Act 1939 (assigning of names to streets etc) to make an order altering the name of a street, or any part of a street, in its area only if the alteration has the necessary support.
- (6) An alteration has the necessary support for the purposes of this section only if—
- (a) it has sufficient local support, and

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- (b) where it is an alteration of a specified kind, it has any other support specified as a pre-condition for alterations of that kind.
- (7) Regulations may provide that sufficient local support, or support of a kind specified under [subsection \(6\)\(b\)](#), can only be established in the way, or in one of the alternative ways, specified in the regulations.
- (8) Regulations under [subsection \(7\)](#) may (amongst other things)—
- (a) make provision enabling a referendum to be held by a local authority, on a question determined by it in accordance with the regulations, for the purposes of establishing whether an alteration has sufficient local support, including provision about the conduct and timing of a referendum and who is entitled to vote;
  - (b) provide that, where a local authority holds a referendum in accordance with regulations made by virtue of [paragraph \(a\)](#), the alteration may not be made unless one or both of the following apply—
    - (i) a specified percentage or number of those entitled to vote in the referendum exercise that right;
    - (ii) a specified majority of those who vote indicate their support for the alteration;
  - (c) provide that, where a local authority has run a process (“the first process”) for the purposes of this section which failed to establish that an alteration of the name of a street (or a part of a street) had sufficient local support, the local authority may not run another such process within a specified period in respect of—
    - (i) if the first process related to the name of a whole street, an alteration of the name of the same street or any part of it;
    - (ii) if the first process related to the name of a part of a street (“the original part”), an alteration of the name of the whole street, of the original part or of any other part which includes some or all of the original part.
- (9) A local authority must have regard to any guidance published by the Secretary of State about—
- (a) the things to be done before a local authority decides to take steps to establish if an alteration has the necessary support for the purposes of this section;
  - (b) the exercise of other functions conferred on a local authority by or under this section.
- (10) No local Act operates to enable a local authority within [subsection \(1\)\(a\)](#) or [\(b\)](#) to alter the name of a street, or part of a street, in its area.
- (11) In this section—
- “regulations” means regulations made by the Secretary of State;
  - “specified” means specified in regulations;
  - “street” has the meaning given by section 48(1) of the New Roads and Street Works Act 1991.
- (12) [Schedule 5](#) contains amendments which are consequential on this section.

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#### Commencement Information

**I25** S. 81 not in force at Royal Assent, see [s. 255\(2\)\(r\)](#)

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*Status: This version of this chapter contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Chapter 2. (See end of Document for details)*

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**I26** S. 81 in force at 31.1.2024 by S.I. 2024/92, reg. 2(b)

*Other provision*

**82 Powers of parish councils**

After section 19 of the Local Government Act 1894 (provisions as to small parishes), insert—

**“19A Powers under other enactments**

- (1) Nothing in this Part affects any powers, duties or liabilities conferred on a parish council by or under any other enactment (whenever passed or made).
- (2) This section does not apply in relation to community councils (see section 179(4) of the Local Government Act 1972).”

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**Commencement Information**

**I27** S. 82 in force at 26.12.2023, see s. 255(2)(s)

**83 The Common Council of the City of London: removal of voting restrictions**

- (1) In section 618 of the Housing Act 1985 (the Common Council of the City of London), omit subsections (3) and (4).
- (2) In section 224 of the Housing Act 1996 (the Common Council of the City of London), omit subsections (3) and (4).

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**Commencement Information**

**I28** S. 83 in force at 26.12.2023, see s. 255(2)(s)



**Status:**

This version of this chapter contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Levelling-up and Regeneration Act 2023, Chapter 2.