

**EXPLANATORY MEMORANDUM TO**  
**THE LOCAL GOVERNMENT (STRUCTURAL CHANGES) (CORONAVIRUS)**  
**(AMENDMENT) REGULATIONS 2020**

**2020 No. 809**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 These Regulations amend the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (S.I. 2008/2867) (as amended by The Local Government (Structural Changes) (General) (Amendment) Regulations 2018 (S.I.2018/930) which provide for incidental, consequential, transitional and supplementary arrangements in consequence of orders made under section 7 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), in respect of the date by which certain plans, reviews, schemes, statements and strategies are required to be prepared for new unitary authorities. These amendments will only apply to those single tier authorities with re-structuring dates in 2019, 2020 or 2021.

**3. Matters of special interest to Parliament**

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

- 3.1 None.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is England and Wales.  
4.2 The territorial application of this instrument is England only.

**5. European Convention on Human Rights**

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

**6. Legislative Context**

- 6.1 Part 1 of the 2007 Act provides for the making of structural and boundary changes to local government in England. It enables provision to be made by order under section 7 of that Act for re-structuring of an area in which there are two tiers of local government (a county council and district councils) and the establishment of a single

tier of local government (a county council or a district council) in that area. Section 1(2) provides, for the purposes of Chapter 1 (structural and boundary change), that there is “a single tier of local government” if “there is a county council and no district councils for that area or there is a district council and no county council for that area” – i.e. there is a sole principal authority for the area (“a single tier council”). Section 14 of the 2007 Act enables the Secretary of State, by regulations of general application, to make incidental, consequential, transitional and supplementary provision to give full effect to these local government changes in consequence of any orders made under section 7 to implement structural change (“section 7 orders”) or under section 10 (boundary change). Section 14(2) provides for subsection 14(1) to be read with section 15 of the 2007 Act.

- 6.2 These Regulations, which are made under section 14 of the 2007 Act amend The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 to extend the period of time that single tier authorities with reorganisation dates in 2019, 2020 or 2021 have to prepare certain plans, reviews, schemes, statements and strategies from 24 months to 36 months from the reorganisation date. Section 240(10) of the 2007 Act enables different provision to be made for different cases.

## **7. Policy background**

### *What is being done and why?*

- 7.1 The Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 specifies a period of 2 years for certain plans, reviews, schemes, statements and strategies which are inherited from predecessor councils to be prepared for the new area of the unitary authority. This applies to all new unitary councils.
- 7.2 Regulation 2 makes provision for this deadline to be extended by 12 months for single tier authorities with reorganisation dates in 2019, 2020 or 2021, for some of these plans, reviews, schemes, statements and strategies, so that new unitary authorities have 3 years from their reorganisation date to prepare these particular plans, reviews, schemes, statements and strategies. This is because the resources required to meet this deadline have been significantly impacted by the Covid-19 crisis.
- 7.3 An extension of 12 months is provided for the preparation of:
- An allocation scheme under section 166A of the Housing Act 1996;
  - The statement of the policy for the provision of assistance under article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002;
  - The homelessness review within the meaning of the Homelessness Act 2002 and, based on the results of that review, formulation and publication of a homelessness strategy within the meaning of that Act; and
  - The accessibility strategy and plan under Schedule 10 to the Equality Act 2010.
- 7.4 Until all those plans, reviews, schemes, statements and strategies have been prepared, the plans, reviews, schemes, statements, and strategies prepared by the relevant predecessor councils, or the preparing councils prior to the coming into force of a section 7 order, continue to have effect as if they had been prepared by the new single

tier council, for the whole or part of that council's area to which the aforementioned documents relate.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

8.1 This instrument does not relate to withdrawal from the European Union.

## **9. Consolidation**

9.1 There are no plans for a consolidation exercise at this point: the changes are minor and consolidation is not considered necessary.

## **10. Consultation outcome**

10.1 There is no requirement to consult on the preparation of these Regulations which make a minor change to the timeframes allowed for the preparation of certain plans, reviews, schemes, statements and strategies following the reorganisation date. The changes made by these Regulations have been requested by a number of authorities, who are supportive of the changes being made and the Regulations have been discussed with council officials. Ministry of Housing, Communities and Local Government officials have also engaged with other relevant government departments in relation to these Regulations.

## **11. Guidance**

11.1 No guidance has been prepared for this instrument as it has not been deemed necessary as the changes being made are minor. The Ministry of Housing Communities and Local Government will continue to engage supportively with the local authorities to which these Regulations will apply.

## **12. Impact**

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because it does not relate to the activities of business, charities or voluntary bodies.

## **13. Regulating small business**

13.1 The legislation does not apply to activities that are undertaken by small businesses.

## **14. Monitoring & review**

14.1 The amendment made by this legislation is minor and time limited, however the Ministry of Housing, Communities and Local Government will consider any queries or representation about the operation of this legislation.

14.2 These Regulations do not include a statutory review clause.

## **15. Contact**

15.1 Nicola Chissell, telephone: 0303 444 1941, and Louise Beckingham, telephone: 0303 444 4336, or email: [jobshare.beckingham-chissell@communities.gov.uk](mailto:jobshare.beckingham-chissell@communities.gov.uk) at the

Ministry of Housing, Communities and Local Government, can be contacted with any queries regarding the instrument.

- 15.2 Paul Rowsell, Deputy Director and Head of the Governance Reform and Democracy Unit, at the Ministry of Housing, Communities and Local Government can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Simon Clarke MP, Minister of State at the Ministry of Housing, Communities and Local Government can confirm that this Explanatory Memorandum meets the required standard.