EXPLANATORY MEMORANDUM TO

THE LEVELLING-UP AND REGENERATION ACT 2023 (CONSEQUENTIAL AMENDMENTS) (ENGLAND) REGULATIONS 2024

2024 No. 418

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Levelling Up, Housing and Communities and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Minister Jacob Young, Parliamentary Under Secretary of State (Levelling Up) at the Department for Levelling Up, Housing and Communities confirms that this Explanatory Memorandum meets the required standard.

2.2 Melissa Brown, Deputy Director for English Devolution and Institutions, at the Department for Levelling Up, Housing and Communities confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Kirsty Brown at the Department for Levelling Up, Housing and Communities (telephone: 03034440610 or email: kirsty.brown@levellingup.gov.uk) can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 These regulations make consequential amendments to secondary legislation in England to ensure the new combined county authority (CCA) model , as introduced by the 2023 Act, can effectively operate as part of the local government system.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England only.

5. Policy Context

What is being done and why?

5.1 The 2023 Act created CCAs as a new form of local government body which will extend devolution to more areas of England.

5.2 CCAs have parity with the existing combined authority (CA) model created in the Local Democracy, Economic Development and Construction Act 2009 in all aspects other than their membership requirements. In the existing CA model, all local

authorities in the area where it is established must be included as constituent members, and agree to the CA's establishment, any conferral of functions and its constitutional arrangements. The new CCA model will only have to include one two tier county council and at least one other upper tier country council / unitary authority. Only upper tier local authorities can be constituent members; two tier district councils cannot be a constituent member of a CCA, and therefore their consent is not required for a CCA to be established, have functions conferred, or constitutional arrangements provided for. In all other respects, where possible, CCAs will have parity with CAs.

5.3 There are four pieces of existing secondary legislation referencing CAs that need to be amended using consequential amendments to reflect the introduction of CCAs, so that they can be part of the local government system, and to ensure CCAs have parity with CAs.

What was the previous policy, how is this different?

5.4 The previous policy did not include CCAs as a local authority body, as prior to the 2023 Act these did not exist. The current policy introduces the CCA model into the local government system.

6. Legislative and Legal Context

How has the law changed?

6.1 These regulations make consequential amendments which introduce CCAs to four pieces of secondary legislation: The Education (Fees and Awards) (England) Regulations 2007; Local Audit (Auditor Panel) Regulations 2014; Accounts and Audit Regulations 2015; and the NHS Counter Fraud Authority (Establishment, Constitution, and Staff and Other Transfer Provisions) Order 2017.

6.2 In each case, these consequential amendments provide CCAs parity with the existing functions given to CAs.

Why was this approach taken to change the law?

6.3 Clause 258 of the 2023 Act provides for amendments which are consequential on any of the provisions within it to be made by statutory instrument. Subsequently this is the most straightforward approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 No consultation is required. These regulations are consequential amendments as provided for by the Levelling-up and Regeneration Act 2023.

8. Applicable Guidance

8.1 No applicable guidance.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because it has no impact on the costs of business, voluntary bodies or the public sector.

Impact on businesses, charities and voluntary bodies

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

9.3 The legislation does not impact small or micro businesses.

9.4 There is no impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that no monitoring or reviewing will be required, as there is no impact on business.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Parliamentary Under Secretary of State (Levelling Up) at the Department for Levelling Up, Housing and Communities has made the following statement regarding Human Rights:

"In my view the provisions of the Levelling-Up and Regeneration Act 2023 (Consequential Amendments) (England) Regulations 2024 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").