EXPLANATORY MEMORANDUM TO

THE LOCAL AUTHORITIES (REFERENDUMS AND ELECTION OF MAYORS) (ENGLAND) (AMENDMENT) REGULATIONS 2025

2025 No. 746

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 His Majesty.

2. Declaration

2.1 Jim McMahon OBE MP, Minister of State for Local Government and English Devolution at the Ministry of Housing, Communities and Local Government, confirms that this Explanatory Memorandum meets the required standard.

2.2 Tim Bowden, Deputy Director for English Devolution – Governance, structures, and oversight, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Local Government Reorganisation team at the Ministry of Housing, Communities and Local Government, email: LGreorganisation@communities.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 This legislation extends the timeframe within which a local authority may hold a governance referendum triggered by a valid petition. It also puts back by 12 months the date on which a local authority must implement a change in governance arrangements by holding a mayoral election following a resolution or referendum result in favour of a change to mayoral executive arrangements.

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.

5. Policy Context

What is being done and why?

5.1 The Government intends to include measures in a Bill to be introduced this Session to abolish the committee system and require all local authorities in England to operate an executive (cabinet) model of governance. All local authorities which currently operate the committee system would be required to transition to the leader and cabinet model.

5.2 In addition, to avoid potential confusion for the public caused by the establishment of new mayors for strategic authorities *and* for councils, the provision in the Bill will prevent the establishment of any new council mayoralties but will not abolish the 13 legacy council mayoralties.

5.3 The measures to be included in the Bill will halt any on-going processes to change council governance models, such as petitions, referendums, and mayoral resolutions, and will cancel any inaugural mayoral elections.

5.4 This instrument will extend the period within which a council in receipt of a valid petition for a governance change is required to hold a referendum, and push back by one year the date on which a mayoral election is to be held following a resolution or referendum result in favour of a council moving to mayor and cabinet. This is to prevent the cost and uncertainty to local authorities and residents of holding a referendum or mayoral election while Parliament is considering the Bill. The effect of this instrument, taken together with the Bill, if approved by Parliament, is that a governance referendum need not be held, and an inaugural mayoral election will not take place, where either poll is not already scheduled by the date the instrument comes into force.

What was the previous policy, how is this different?

5.5 Currently, local authorities are able to operate under leader and cabinet, mayor and cabinet, or committee systems of governance. Of the 317 English local authorities, the majority operate under leader and cabinet, 13 under mayor and cabinet and 38 under the committee system. This arrangement, set out in the Local Government Act 2000 as amended, was intended to provide councils, and their public, with a choice of decision making arrangements that they considered best suited them.

5.6 In the English Devolution White Paper, section 4.2.3[1], the Government committed to bring in consistent and accountable structures across local government by considering which governance models available to local authorities will best support their decision making.

5.7 The instrument "pauses" governance change processes to allow Parliament time to consider the measures to be introduced in primary legislation by postponing when an inaugural mayoral election is to be held, and enabling a local authority to postpone a referendum on governance change following a petition. If Parliament approves the measures in the Bill, the effect will be that any such inaugural mayoral elections, or referendum postponed by a local authority, will not take place. The measures in this instrument are time-limited: if Parliament does not approve the measures in the Bill, a postponed referendum may take place by November 2026 and an inaugural mayoral election will take place in May 2027. The amendments introduced by this instrument will not apply in relation to any future referendums and mayoral elections arising from the ordinary day of election in 2026.

6. Legislative and Legal Context

How has the law changed?

6.1 Section 9MC of the Local Government Act 2000 (the "2000 Act") allows the Secretary of State to make regulations for or in connection with requiring a local authority which receives a valid petition to hold a referendum on the authority's

[1] https://www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper#delivering-devolution-at-every-scale

governance arrangements. Regulations may, in particular, include provision "as to the date on which, or the time by which, a referendum must be held", and "as to the action which may, may not or must be taken by a local authority before or in connection with a referendum". The current regulations are the Local Authorities (Referendums) (Petitions) (England) Regulations 2011[2] and include, at regulation 16, provision as to the timing of a referendum.

6.2 This instrument amends regulation 16 so that where the 'petition date'(receipt of a valid petition) occurs between the date of this SI coming into force and the day before the ordinary day of election in 2026, i.e. 7 May 2026, the period within which the referendum is to be held is extended to six months after 7 May 2026.

6.3 Section 9HB of the 2000 Act also allows the Secretary of State to make regulations as to the timing of mayoral elections, mayoral terms of office and the filling of casual vacancies. The current regulations are the Local Authorities (Elected Mayors) (Elections, Terms of Office and Casual Vacancies) (England) Regulations 2012[3]. Regulation 3 makes provision for the timing of the first election of a mayor following a referendum or local authority resolution in favour of a change to mayor and cabinet arrangements.

6.4 This instrument amends regulation 3 so that where the date of the referendum or council resolution falls between the date of this SI coming into force and the day before 7 May 2026, the election is to take place on the ordinary day of election in 2027, i.e. 6 May 2027.

Why was this approach taken to change the law?

6.5 This is the most convenient and efficient approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 The English Devolution White Paper included a commitment to consider which governance models available to local authorities across the sector will best support their decision making. The changes made by this instrument will directly affect only an authority that is facing a referendum triggered by a petition, or an inaugural mayoral election brought about by a council resolution or referendum. The changes are made in the context of primary legislation to be introduced to Parliament which is intended to remove the provisions for changes of governance other than for an authority which already runs under mayor and cabinet, to move to leader and cabinet, and provisions for inaugural mayoral elections. The changes made in this instrument are time limited, covering the short period between when the instrument comes into force and the day before 7 May 2026. For these reasons Government takes the view that consultation was not necessary.

8. Applicable Guidance

8.1 No guidance is necessary for the implementation of these measures. We will communicate these changes to local authorities.

Part Two: Impact and the Better Regulation Framework

[2] https://www.legislation.gov.uk/uksi/2011/2914/contents
[3] https://www.legislation.gov.uk/uksi/2012/336/contents

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no, or no significant impact is anticipated on business.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the instrument does not affect these bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 The impact on the public sector should be positive in it will enable councils in receipt of a valid petition to avoid considerable unbudgeted costs of holding a referendum on changing its governance arrangements by postponing that referendum pending the outcome of Parliament's consideration of the Bill measures, and similarly it will prevent the cost and disruption to a council of holding a mayoral election while Parliament is considering whether to agree to prevent new local authority mayoralties.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 There is no plan to monitor or review this legislation as its effect is limited to enabling councils to delay governance change referendums for local authorities, and postponing inaugural mayoral elections while Parliament is considering a Bill which would cancel any such elections.

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

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.