

including the cost of the work that will be required to meet the Government's 28 November 2025 deadline.

4 Introduction and Background

- 4.1 On 16 December 2024 the Government published the 'English Devolution White Paper - Power and partnerships: Foundations for growth' which made clear their intent to deliver both devolution and local government reorganisation. The Government's proposals focused on the delivery of two outcomes - the delivery of Strategic Mayoral Authorities across all parts of the Country, and the creation of new Unitary Councils to replace current County Councils, small Unitary Councils and all Boroughs and District Councils. As part of the proposals the Government set out an ambitious timetable for delivery that in some parts of the Country would see elections to the Strategic Mayoral Authorities and the new Unitary Councils taking place in May 2026.
- 4.2 An all-Member Briefing was held on 23 December 2024 to outline the contents of the White Paper and the possible implications for the Council and the Borough. Early and regular engagement has also taken place with Council staff. A presentation and discussion also took place at the Overview and Scrutiny Committee on 23 January 2025, the Parish Partnership Panel on 6 February 2025 and the Tonbridge Community Forum on 24 February 2025. In addition, the Motion that was agreed at the February Full Council provided a further opportunity to discuss the Government's proposals and inform the Council's overall approach including the commitment to work with neighbouring Councils as part of shaping proposals for Local Government Reorganisation.
- 4.3 Following the publication of the White Paper, the Minister of State for Local Government and English Devolution, Jim McMahon OBE MP, wrote to Council Leaders of upper tier Councils (Kent County Council and Medway Unitary Council within the wider Kent region) inviting them to submit bids to be included in a 'Devolution Priority Programme (DPP)'. Kent and Medway councils submitted such a bid. On 5 February 2025 the Government announced that Kent and Medway had not been selected, the only area in the South East outside of London not to have been included. Later that week, all Boroughs and Districts in Kent, including ourselves, plus the County Council and Medway Unitary Council received a letter from the Minister inviting a bid to be prepared and submitted for Local Government Reorganisation.
- 4.4 The letter stated:
- ".. I am writing to you to formally invite you to work with other Council Leaders in your area to develop a proposal for local government reorganisation, and to set out further detail... We ask for an interim plan to be submitted on or before 21 March 2025 ... I will expect any full proposal to be submitted by 28 November..."*

- 4.5 The letter is included at Annex 1. It makes clear that for the Councils in Kent, Local Government Reorganisation and the creation of new Unitary Councils must precede Devolution and the creation of new Mayoral Strategic Authorities although no timetable is offered for the latter. The letter also sets out the Government's criteria for assessing reorganisation bids. The Government's expectations are that local Councils work proactively and collaboratively to produce robust and sustainable Unitary Council proposals that are in the best interests of the whole area.
- 4.6 A draft county-wide response has been prepared with the input of all Council Leaders which is attached at Annex 2a and Annex 2b. The response has been put together in a very short period of time and is subject to continued discussions with the other Councils in line with the Government's criteria, so is likely to continue to be subject to input up until the date of submission. Additional supporting information, analysis and data may also be included in the final submission.
- 4.7 The draft response makes clear that there is consensus amongst Kent Council Leaders that there should be either three or four Unitary Councils within the geographic area currently covered by Kent County Council and Medway Unitary Council and the 12 Borough and District Councils contained therein. The criteria set out by Government and additional information provided in the Ministry of Housing, Communities and Local Government (MHCLG) briefings to councillors and officers is that new unitary councils are expected to cover geographies of at least 500,000 people and formed around existing borough and district boundaries. Assuming that the Government do not deviate from their own published criteria, this would indicate a preference for a three Unitary Model and a West Kent Unitary geography based on a grouping of Tonbridge Wells, Sevenoaks, Maidstone and Tonbridge and Malling. The views of partners are being sought and initial feedback broadly supports this geography but not exclusively. The geography of the Unitary Councils for the other parts of Kent are potentially more complex than for West Kent and therefore less clear at this stage. Following the interim submission, work will commence on a more detailed and systematic evaluation of potential unitary geographies ahead of the 28 November 2025 submission.
- 4.8 The Government has made clear that it does not expect to make any decisions on the establishment of Unitary Councils on the basis of the 21 March submission but instead will make use of the submission to inform further engagement and feedback. The Government have also indicated that they will provide support to areas working up full proposals by the 28 November deadline although the nature of this support is still unclear. Accordingly, it is expected that Kent councils will procure one or more external partners to support them in this process and to ensure that the evaluation of options is robust and the submission are independently evaluated.

5 Proposal

- 5.1 The White Paper communicates the Government's clear intent to bring forward Devolution and Local Government Reorganisation. While it is already clear that some areas will be required to move forward more quickly than others, and some areas such as the Councils across Kent are required to implement Local Government Reorganisation ahead of Devolution, the Government have not provided the scope for any Council to opt out of these arrangements stating that there will be no 'devolution orphans'. While there is the option for the Council not to meet the Government's 21 March deadline, doing so would put the borough at a disadvantage in relation not being able to progress meaningful engagement with MHCLG and have the benefit of their feedback ahead of the formal submission deadline of 28 November.

6 Financial and Value for Money Considerations

- 6.1 The White Paper mentions the possibility of additional funding and powers arising from Devolution and "multi-year settlements" with additional freedoms to move money between established funding areas. The Government have also indicated that they see the new Unitary Councils as more efficient and streamlined than the multi-tier arrangements that they replace.
- 6.2 However, there is a significant cost and staff resources associated with preparations for Local Government Reorganisation and the creation of the new Unitary Councils that has yet to be quantified. While the Government have indicated that there may be funding nationally to support this, if this is forthcoming it is unlikely to cover the full costs and the Council will need to agree a budget for this once further details are available. The Council has already established a Transformation Reserve the purpose of which could encompass Local Government Reorganisation although this will be part of a future decision.
- 6.3 In the short term, some financial and technical work is needed to prepare the evidence base. Cabinet is asked to agree an initial budget of up to £10,000, funded from the Transformation Reserve, to help fund this preliminary work.

7 Risk Assessment

- 7.1 The White Paper highlights the potential benefits on offer from Devolution, including additional resources, powers and freedoms for the new Mayoral Strategic Combined Authorities, a new relationship between central Government and Local Government, and more streamlined and financially resilient structures to replace the current County, Unitary and Boroughs and Districts in the wider Kent region. However, there are also significant risks. These include the risk to the financial resilience of the new Unitary Councils if they are required to take on the historic debt of the County Council, the challenge the Government faces in delivering its ambitious timetable and putting the necessary legislation and statutory instruments in place, the uncertainty that these changes represent for

staff and partners and contractors, and the potential consequences for recruitment and retention during the transition, particularly given the age profile of the organisation and the number of staff who are likely to retire over the next few years.

8 Legal Implications

- 8.1 The letter from the Minister of State for Local Government and English Devolution at Annex 1 is an invitation, issued under section 2 of the Local Government and Public Involvement in Health Act 2007 to submit proposals for a single tier of local government in Kent.
- 8.2 Under section 3(6) of the 2007 Act, local authorities have a power of responding to invitations under section 2 by making proposals for unitary local government.

9 Consultation and Communications

- 9.1 The Council will need to engage with its key stakeholders and with local residents regarding the Government's plans for Local Government Reorganisation and the more detailed proposals that emerge ahead of the Government's November deadline.

10 Cross Cutting Issues

10.1 Climate Change and Biodiversity

10.1.1 Limited or low impact on emissions and environment.

10.1.2 There are no climate change implications arising from this report of its recommendations. However, the Devolution White Paper does identify Climate Change as a potential area for additional resources, powers and flexibilities from Whitehall to Mayoral Strategic Combined Authorities.

10.2 Equalities and Diversity

10.2.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act and therefore are unlikely to have a disproportionate impact on those groups with protected characteristics.

10.3 Other If Relevant

- Human Resources
- Business Continuity / Resilience

10.3.1 Any change or restructure of local government will impact staff. The prospect of change can be unsettling, and staff are understandably concerned. As an employer, the Council is committed to open and transparent communication throughout the process and in supporting staff through the transition process to

enable them to have the best possible opportunity to access roles in the new Unitary.

10.3.2 While structures will certainly change along the way, the need for high quality local government services, and highly skilled, knowledgeable and committed staff teams to deliver them, will be more important than ever.

Background Papers	English Devolution White Paper “Power and Partnership: Foundations for Growth” : English Devolution White Paper
Annexes	<ul style="list-style-type: none"> • Annex 1: Letter to Kent Council Leaders from the MHCLG of 5 February 2025 • Annex 2a: Draft interim submission to MHCLG • Annex 2b: Draft evidence base and illustrative geographies to be included in interim submission to MHCLG