

POLICY AND RESOURCES	
Meeting Date	Monday 8 June 2026
Report Title	Swale BC Structural Change Order Representations for MHCLG
EMT Lead	Larissa Reed – Chief Executive
Head of Service	Stephanie Curtis, Head of Policy and Transformation
Lead Officer	Sarah Porter, Project and Transformation Manager
Classification	Open
Recommendations	For Policy and Resources Committee to agree the below recommendations for onwards approval by Council, as Swale Borough Councils response to MHCLG's request for representations on the Structural Change Order: 1. To agree the transitional models outlined in table 1 of section 2.8 of the report. 2. To agree the membership of the Joint Committees as outlined in Table 2 of section 2.9 of the report. 3. To agree that the Chair and Deputy of each Joint Committee is agreed at its inaugural meeting by the Committee itself. 4. To agree that Joint Committees should not be politically balanced. 5. To agree that the at their inaugural meeting Joint Committees should agree the Returning Officer for their relevant Shadow Authority. 6. To agree the membership of the Implementation Team with Kent County Council Chief Executive as the Senior Responsible Officer for the overall programme, with the Medway Council Chief Executive as the Deputy SRO; and that the Unitary SROs be appointed from the pool of existing Borough/District Chief Executives. 7. To agree whether parish/town council elections should be aligned with those for the new authorities 8. To agree preferred naming convention for the new councils as outlined in section 2.15 of this report, choosing from those in table 3, table 4 or as agreed by the Committee. 9. To note that no further modelling has taken place on councillor numbers for the proposed geographic models being considered.

1 Purpose of Report and Executive Summary

- 1.1 This report summarises the request from the Ministry of Housing, Communities and Local Government (MHCLG) for representations from Swale Borough Council on the Structural Change Order (SCO) that will be made in order to progress Local Government Reorganisation.
- 1.2 This report seeks agreement on key matters that will shape the transition programme and that need to be resolved to avoid delay. It does not seek to pre-judge or bind the Secretary of State's final decision, however it ensures that Swale Borough Council clearly sets out its preferences to MHCLG on these issues.

2 Background

- 2.1 Kent and Medway councils submitted proposals for local government reorganisation in November 2025, with Swale Borough Council identifying option 4B as its preferred model. MHCLG launched a consultation on these proposals in February 2026, covering five geographic models, including both single unitary and multi unitary options. Each model carries different implications for governance, elections, service transition and local identity.
- 2.2 MHCLG has indicated that a decision on the model to be implemented in Kent and Medway will be made by mid-July 2026. Following this decision, a Structural Change Order (SCO) must be drafted and laid before Parliament.
- 2.3 An SCO is a Statutory Instrument under Part 1 of the Local Government and Public Involvement in Health Act 2007. It establishes the framework for delivering local government reorganisation, including:
 - the vesting date;
 - arrangements for elections and shadow authorities;
 - transitional arrangements (including Joint Committees and implementation structures); and
 - the transfer of functions, property and liabilities

Appendix I provides a detailed briefing on SCOs from the Local Government Information Unit (LGIU).

- 2.4 MHCLG have written to all Kent and Medway councils and requesting representations on key aspects of the SCO. Responses must be submitted by 16 June 2026. Appendix II is the letter to Swale Borough Council which includes the specific points that they wish us to address. Given the significance of the matters raised by MHCLG and their potential impact on governance arrangements, representation and service delivery, it is considered essential that Members are actively involved in shaping the Council's response.

- 2.5 MHCLG have asked, where possible, that Kent and Medway Councils work together to seek to agree representations for each proposal. However, have advised that we can respond singly, jointly or as a collective.
- 2.6 As the preferred model has not yet been confirmed, Swale Borough Council must consider its position across all five proposals to make sure that its views are fully represented.
- 2.7 For some of the representations requested, the Council's response will be consistent across all models as it is based upon statement of fact or existing MHCLG guidance.

Key questions for representation

2.8 Question 1: Preferred transitional governance model

MHCLG guidance sets out two main approaches to transitional governance models for LGR as below:

Preparing (or Continuing authority) Council with an Implementation Executive. This is typically the model used where the footprint for the new council matches one of the existing councils, with the implementation executive being a committee of that preparing council.

New Council Model with Joint Committee. This is the model typically used when the new council footprint does not align with any predecessor council. Predecessor councils work together through a Joint Committee during the transition period before the new council is formed.

Based on this guidance, Swale Borough Council's recommended response would be as below in Table 1:

Geography Proposal	Transitional Governance model recommendation
1A	Preparing Council with Implementation Executive
3A	New Council with Joint Committee
4B	New Council with Joint Committee
4D	New Council with Joint Committee
5A	New Council with Joint Committee

2.9 Question 2: Membership of Joint Committees/Implementation Executive

Joint Committees are responsible for preparing for the establishment of new councils, but do not make decisions on their behalf. Their focus is to prepare the ground for matters that need to be in place on day one of the Shadow Councils. As such, they are not responsible for taking any decision on behalf of the new councils and should act in a manner that does not hamper any decision the new shadow councils may wish to take.

MHCLG guidance indicates that Joint Committees should have 8-16 members to provide sufficient capacity and representation. Decisions should be by a simple majority with a casting vote by the chair where needed.

The Governments LGR Implementation Guidance provides more detailed information on the role of Joint Committees. Appendix III provides an overview of the Joint Committee membership from a number of other Councils that have already gone through/are going through this process ahead of us.

In practice council leaders typically sit on Joint Committees. The key consideration is therefore the number of additional representatives each council appoints.

As several options being considered by Government include the disaggregation of Swale, Members needs to consider the preferred approach for Swale for each permutation.

Across a number of the new unitary authorities that have been set-up in recent year, the number of seats have been evenly distributed across the predecessor county council; and the predecessor district/borough councils.

Members need to consider and agree whether they wish for an equal number of seats split between all predecessor councils, or if the predecessor district/borough councils should have a greater number of seats than the county council.

It is recommended that Swale Borough Council agrees the membership of the Joint Committees as per table 2 below. These are the recommended membership for each new Unitary.

Table 2: Recommended membership of Joint Committees for each geographic proposal.

Geography Proposal	Swale Representation	Membership of Joint Committee
1A	N/A	<i>N/A No Joint Committee likely to be set up with this model</i>
3A	2 members	Leader (or representative) + one member per predecessor district/borough; same approach for county/unitary
4B	2 members	Leader (or representative) + one member per predecessor district/borough; same approach for county/unitary
4D	3 members across multiple JCs	Leader (or representative) on JC of area with greatest population (North Kent);

		One other on East Kent; One other on Mid Kent. Other Districts and Boroughs to determine their own representation Leader (or representative) + one other for predecessor county/unitary council
5A	3 members across multiple JCs	Leader (or representative) on JC of area with greatest population (North Kent) + one member; One other on East Kent. Other Districts and Boroughs to determine their own representation Leader (or representative) + one other for predecessor county/unitary council

2.10 Question 3: Would you prefer for any individuals to be specified for the Chair/Deputy Chair roles, and if so, who?

The Chair of the Joint Committee does have the casting vote when needed.

Appendix III details for other local authorities where the SCO has specified individuals for the Chair/Deputy role.

It is recommended that the Chair and Deputy for each Joint Committee is voted for and agreed at its inaugural meeting by the Committee itself. Swale Borough Council does not have a preference on this at this stage.

2.11 Question 4: What are your views on any requirement for political balance in the joint committee(s)/ implementation executive?

MHCLG has advised that there is no requirement for Joint Committees to be politically balanced, as these bodies are intended to operate in a manner analogous to the executive of the new council. It is therefore considered appropriate that each constituent council retains discretion to nominate its own representatives. Appendix III summarises the membership and political composition of comparable current or former Joint Committees.

As set out in section 2.9, membership of the Joint Committees should be drawn from the existing Leaders, or their nominees, from each predecessor council. This approach would ensure that the committees comprise members who are best placed to represent the interests and perspectives of their respective areas during transition.

It is therefore recommended that Swale Borough Council responds by stating that the proposed Joint Committees should not be subject to a requirement for political balance.

2.12 Question 5: Who should be the returning officer for the first election to each of the new unitary councils, that proposals would see established.

The appointment of a Returning Officer for the first elections to each new unitary council will be a critical early decision in the transition process. Given the scale, complexity, and public visibility of these inaugural elections, it is important that the individual appointed has the appropriate level of experience, capacity, and institutional knowledge to discharge the role effectively.

Consideration should be given to the geography and size of the new authority, as well as the experience of existing Returning Officers across the predecessor councils. Ensuring independence, neutrality, and public confidence in the electoral process will be essential, alongside the need to put in place appropriate support structures, such as deputy arrangements, to provide resilience. Early clarity on this appointment will also support effective planning and coordination of election delivery, including staffing, resources, and communications across the new authority area.

A locally-led approach to this decision allows for flexibility to reflect local circumstances while maintaining strong governance and accountability throughout the transition.

It is therefore recommended that the relevant Joint Committees agree the Returning Officer for each new unitary council at their inaugural meeting.

2.13 Question 6: What are your preferences for the membership of the Implementation Team and whether roles should be specified?

MHCLG have advised that a single implementation team of officers should be established, with designated leads for each new unitary area. This model is intended to support effective information flow and engagement between joint committees, councils, teams and government on progress - particularly in relation to complex areas, such as services being disaggregated.

Beyond any requirements or limits set out in the SCO, the wider membership of the implementation team should be determined locally by the constituent councils. Precedent indicates that the Senior Responsible Officer and the Deputy Senior Responsible Officer may be specified in the SCO.

As part of the development of Kent and Medway Programme Management approach, an agreement has been reached between Leaders and Chief Executives regarding the senior roles required as part of the Implementation Team and how these should be recruited to.

The proposed structure includes a Kent and Medway wide SRO, who will provide overall strategy. They will be supported by a Deputy SRO. In addition a Unitary SRO will be appointed for each new Unitary Council. Their remit will be to focus on: managing service disaggregation; Finance and budget transfer; HR and staffing; Governance and constitutional design; Election readiness and communications; Contract disaggregation and other duties that enables effective programme delivery.

It is therefore recommended that the County Chief Executive is appointed as the SRO, supported by a Deputy DRO from the existing unitary council and that the Unitary SROs be appointed from the current pool of district and borough Chief Executives.

2.14 Question 7: Would you prefer for any parish council elections to be aligned with elections to the new councils?

MHCLG has advised that parish council elections are not automatically affected by local government reorganisation. However, provision can be made to align parish and town council elections with those of the new unitary authorities where this is locally supported, in order to reduce cost, complexity, and voter confusion.

It is currently anticipated that elections for the new Shadow Authorities will take place in May 2027. These initial elections are expected to establish a five-year electoral cycle for the shadow authority, followed by a transition to a four-year cycle thereafter. This creates an opportunity to consider longer-term alignment of election cycles across tiers of local government.

For Swale, parish and town council elections are already scheduled to take place in May 2027. In addition, the Council is currently undertaking a Community Governance Review, with any new or amended parish or town council arrangements expected to come into effect within this same timeframe.

Given this alignment, parish and town councils have been asked to consider whether they would wish to synchronise their future election cycles with those of the new unitary councils. Feedback from parish and town councils on this matter will be reported verbally at the meeting to inform Members' consideration of the recommendation.

It should be noted that some uncertainty remains under certain reorganisation models (for example, Option 4D), where existing parish areas may be split across new unitary boundaries. The implications of this for election arrangements will need to be clarified as part of the implementation process.

It is therefore recommended, subject to consideration of parish and town council representations, that following the May 2027 elections, future parish and town council elections are aligned with those of the new unitary authority in order to improve efficiency and voter engagement.

2.15 Question 8: What are the current legal names of the councils and what are your preferred names for new councils?

The naming of new unitary councils will need to be agreed at an early stage in the process, as this will inform key elements of implementation. Including the legal orders (SCO), communications, branding and electoral arrangements. While the preferred name should be settled early, a new unitary council may also choose to change its name after vesting day, subject to the necessary legal and governance process.

As part of the Devolution Priority Programme (DPP) announcements government has leant towards a cardinal or intercardinal naming convention (East Surrey, West Surrey, South West Essex for example). Appendix III summarises the names selected for other councils that have gone/are going through this process.

The Kent and Medway proposals reflect a range of different geographic configurations, each of which lends itself to a distinct place-based identity. Two sets of potential naming approaches are therefore being suggested for discussion.

Table 3 Sets out suggested names aligned to the conventions observed in DPP areas and also follows the naming conventions used in the business cases submitted in November 2025.

Table 4 presents alternative options based on more locally recognisable and intuitive geographies.

Table 3: Suggested new council names (DPP approach)

Proposed Model	Suggested Council Names
3A	North Kent, West Kent, East Kent
4B	North Kent, West Kent, Mid Kent, East Kent
4D	North Kent, West Kent, Mid Kent, East Kent
5A	North Kent, West Kent, Mid Kent, East Kent, South Kent

Table 4: Suggested new council names (locally derived approach)

Proposed model	Suggested Council names
3A	North Kent Estuary, Kentish Weald, Saxon Shore/Wantsum & Downs
4B	Thames Reach, Mid-Kent Downs, Wantsum & Shore
4D	Medway & Estuary/Thameside Kent, Darent & Weald, Heart of Kent, Saxon Shore/Greater Cantium,
5A	Medway & Swale Estuary, Darent & Thames, Kent Weald, Stour and Shore, South Kent Downs

Members are asked to consider the two approaches and indicate their preferred naming convention.

2.16 Question 9: If different to proposals, has there been any further modelling of your preferred councillors for each new councils that you would like the Secretary of State to consider, alongside any information on the rationale for the numbers?

No further modelling has taken place by Kent and Medway Councils on the preferred number of councillors for each new council, since the submission of the business cases in November 25 to Government.

Members to note that this as our response.

3.0 Proposals

For Policy and Resources Committee to agree the below recommendations for onwards approval by Council, as Swale Borough Councils response to MHCLG's request for representations on the Structural Change Order:

1. To agree the transitional models outlined in table 1 of section 2.8 of the report.
2. To agree the membership of the Joint Committees as outlined in Table 2 of section 2.9 of the report.
3. To agree that the Chair and Deputy of each Joint Committee is agreed at its inaugural meeting by the Committee itself.
4. To agree that Joint Committees should not be politically balanced.
5. To agree that at their inaugural meeting Joint Committees should agree the Returning Officer for their relevant Shadow Authority.
6. To agree the membership of the Implementation Team with Kent County Council Chief Executive as the Senior Responsible Officer for the overall programme, with the Medway Council Chief Executive as the Deputy SRO; and that the Unitary SROs be appointed from the pool of existing Borough/District Chief Executives.
7. To agree whether parish/town council elections should be aligned with those for the new authorities.
8. To agree preferred naming convention for the new councils as outlined in section 2.15 of this report, choosing from those in table 3, table 4 or as agreed by the Committee.
9. To note that no further modelling has taken place on councillor numbers for the proposed geographic models being considered

4.0 Alternative Options Considered and Rejected

- 4.1 Member could choose not to respond to MHCLG's request for representations on the Structural Change Order. However, this would mean that Swale Borough Council would not have a voice on considerations as part of this legal document by MHCLG which could have a detrimental impact on LGR moving forward.

5.0 Consultation Undertaken or Proposed

5.1 No consultation is undertaken or proposed.

6.0 Implications

Issue	Implications
Corporate Plan	This report supports the Council's priority of running the Council by helping to ensure that clear governance arrangements are in place to support sound decision-making during local government reorganisation. It also supports the Council's ambition to demonstrate good governance, and ensure that future arrangements are designed to protect service quality and social value.
Financial, Resource and Property	There are no immediate financial implications arising from this report. However, the decisions made through the Structural Change Order will have significant longer-term implications for the allocation of resources, service delivery, and the management and transfer of assets and liabilities, which will be addressed through the transition programme.
Legal, Statutory and Procurement	The Structural Change Order is a statutory process under the Local Government and Public Involvement in Health Act 2007. The Council's response forms part of a formal representation to MHCLG and will inform the legal framework for reorganisation.
Crime and Disorder	There are no direct crime and disorder implications for these proposals.
Environment and Climate/Ecological Emergency	There are no direct Environmental Emergency implications for these proposals.
Health and Wellbeing	There are no direct Health and Wellbeing implications for these proposals.
Safeguarding of Children, Young People and Vulnerable Adults	There are no direct safeguarding implications for these proposals
Risk Management and Health and Safety	There are no direct health and safety implications for these proposals
Equality and Diversity	There are no direct Equality and Diversity implications for these proposals
Privacy and Data Protection	There are no direct privacy or data protection implications for these proposals

Local Government Reorganisation (LGR)	This report directly supports the Council's engagement with the LGR process by setting out its position on key elements of the Structural Change Order. Clear and timely representations will help shape transitional arrangements and ensure that Swale's interests are reflected in the final framework.
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7 Appendices

Appendix I: LGIU Briefing – How should councils prepare for a Structural Change Order.

Appendix II: MHCLG Letter regarding representations on Structural Change Order

Appendix III: Background and precedent for MHCLG consultation response

8 Background Reports

Governmental guidance on LGR Implementation - [Local government reorganisation - implementation guidance](#)

Business cases submitted by Kent and Medway Councils to MHCLG
<https://kentcouncilleaders.org.uk/councils-send-proposals-for-new-councils-to-government/>