

| <b>COUNCIL</b>         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| <b>Meeting Date</b>    | Monday 8 June 2026                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Report Title</b>    | Swale BC Structural Change Order Representations for MHCLG                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>EMT Lead</b>        | Larissa Reed – Chief Executive                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>Head of Service</b> | Stephanie Curtis, Head of Policy and Transformation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Lead Officer</b>    | Sarah Porter, Project and Transformation Manager                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Classification</b>  | <b>Open</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Recommendations</b> | <p>Following consideration by Policy and Resources Committee, Council is asked to approve the following recommendations as Swale Borough Council's response to MHCLG's request for representations on the Structural Change Order:</p> <ol style="list-style-type: none"> <li>1. To approve the transitional governance models set out in Table 1 at section 2.8 of the report.</li> <li>2. To approve the proposed membership of the Joint Committees as set out in Table 2 at section 2.9 of the report.</li> <li>3. To approve that the Chair and Deputy Chair of each Joint Committee be appointed by the relevant Joint Committee at its inaugural meeting.</li> <li>4. To approve that the proposed Joint Committees should not be subject to political balance requirements.</li> <li>5. To approve that each Joint Committee agree, at its inaugural meeting, the Returning Officer for the first election to its relevant Shadow Authority.</li> <li>6. To approve the proposed membership of the Implementation Team, with the Kent County Council Chief Executive appointed as Senior Responsible Officer for the overall programme, the Medway Council Chief Executive appointed as Deputy Senior Responsible Officer, and the Unitary Senior Responsible Officers appointed from the existing pool of borough and district Chief Executives.</li> <li>7. To approve, subject to consideration of parish and town council representations, whether future parish and town council elections should be aligned with elections to the new unitary authorities.</li> <li>8. To approve the preferred naming convention for the new councils as outlined in section 2.15 of this report, selecting from the options set out in Table 3, Table 4, or as otherwise determined by Council.</li> </ol> |

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|  | <p>9. To note that no further modelling has been undertaken on councillor numbers for the proposed geographic models under consideration.</p> <p>10. That delegation be granted to the chief executive to submit the council's response to MHCLG and, in consultation with the Leader, make any minor amendments as required.</p> |
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## 1 Purpose of Report and Executive Summary

- 1.1 This report sets out Swale Borough Council's response to the Ministry of Housing, Communities and Local Government (MHCLG) request for representations on the Structural Change Order (SCO) required to progress local government reorganisation.
- 1.2 The report asks Council to approve the recommendations considered by Policy and Resources Committee on the key issues that will shape transition arrangements. It does not pre-judge or bind the Secretary of State's final decision, but ensures Swale Borough Council sets out clear preferred positions to MHCLG.

## 2 Background

- 2.1 Kent and Medway councils submitted local government reorganisation proposals in November 2025, with Swale Borough Council identifying option 4B as its preferred model. MHCLG consulted on five geographic models in February 2026, covering single unitary and multi-unitary options, each with 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 has asked all Kent and Medway councils to respond on key aspects of the SCO by 16 June 2026. Appendix II contains the letter to Swale Borough Council setting out the issues to be addressed. Given the significance of these matters, the response has been considered first by Policy and Resources Committee and is now brought to Council for determination.
- 2.5 MHCLG has asked Kent and Medway councils, where possible, to agree joint representations, but councils may respond individually, jointly or collectively.
- 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 identifies two main transitional governance models for local government reorganisation:

**Preparing (or Continuing) Council with an Implementation Executive** – usually used where the new council area matches an existing council, with the implementation executive operating as a committee of that council.

**New Council Model with Joint Committee** – used where the new council area does not align with an existing authority, with predecessor councils working together through a Joint Committee during transition.

Based on this guidance, Swale Borough Council's proposed response is set out in Table 1 below:

| <b>Geography Proposal</b> | <b>Transitional Governance model recommendation</b> |
|---------------------------|-----------------------------------------------------|
| 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 prepare for the establishment of new councils but do not make decisions on their behalf. Their role is to ensure key arrangements are in place for the shadow authorities without constraining future decisions.

MHCLG guidance suggests Joint Committees should have 8–16 members to provide sufficient capacity and representation, with decisions taken by simple majority and a casting vote for the chair if required.

The Government's LGR Implementation Guidance provides more detailed information on the role of Joint Committees. Appendix III provides an overview of Joint Committee membership arrangements adopted by a number of other councils that have already gone through, or are currently going through, this process.

In practice, council leaders usually sit on Joint Committees, so the main issue is the number of additional representatives each council appoints.

As several of the options under consideration by Government include the disaggregation of Swale, Council is asked to consider the preferred approach for Swale in each scenario, having regard to the recommendations of Policy and Resources Committee.

Across a number of recently established unitary authorities, seats on Joint Committees have been distributed evenly between the predecessor county council and the predecessor district and borough councils.

Council is therefore asked to decide whether seats should be distributed equally between predecessor councils, or whether district and borough councils should have greater representation than the county council, in line with the recommendation of Policy and Resources Committee.

It is recommended that Swale Borough Council approves the proposed membership of the Joint Committees as set out in Table 2 below for each potential new unitary authority.

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

| <b>Geography Proposal</b> | <b>Swale Representation</b>   | <b>Membership of Joint Committee</b>                                                                              |
|---------------------------|-------------------------------|-------------------------------------------------------------------------------------------------------------------|
| 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;<br><br>same approach for county/unitary |
| 4B                        | 2 members                     | Leader (or representative) + one member per predecessor district/borough;<br><br>same approach for county/unitary |
| 4D                        | 3 members across multiple JCs | Specifically for Swale BC: Leader (or representative) on JC of area with greatest population (North Kent); One    |

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

**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 has a casting vote if required.

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

It is recommended that the Chair and Deputy Chair of each Joint Committee be appointed by the relevant Joint Committee at its inaugural meeting. Swale Borough Council is not proposing to specify preferred individuals 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 Joint Committees do not need to be politically balanced, as they are intended to operate in a similar way to the executive of the new council. It is therefore appropriate for each constituent council to nominate its own representatives. Appendix III provides examples from comparable 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.**

Appointing a Returning Officer for the first elections to each new unitary council will be an important early decision. The role should be filled by someone with the experience, capacity and local knowledge needed to manage these inaugural elections effectively.

Consideration should include the size and geography of the new authority, the experience of existing Returning Officers, and the need for resilience through suitable deputy arrangements. Early agreement will also support planning for staffing, resources and communications.

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 has advised that a single officer implementation team should be established, with designated leads for each new unitary area, to support coordination between Joint Committees, councils and government during transition.

Beyond any requirements set out in the SCO, the wider membership of the implementation team should be determined locally. Precedent suggests that the Senior Responsible Officer and Deputy Senior Responsible Officer may be named 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 Senior Responsible Officer, supported by a Deputy, and a Unitary Senior Responsible Officer for each new council. These roles would oversee key transition issues including service disaggregation, finance, HR, governance, elections, communications and contracts.

It is therefore recommended that the Kent County Council Chief Executive be appointed as Senior Responsible Officer, supported by the Medway Council Chief Executive as Deputy Senior Responsible Officer, and that the Unitary Senior Responsible Officers 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, but they may be aligned with elections to the new unitary authorities where there is local support, to reduce cost, complexity and voter confusion.

The first elections to the new shadow authorities are expected in May 2027, creating an opportunity to consider longer-term alignment of election cycles across tiers of local government.

In Swale, parish and town council elections are already due in May 2027, alongside the current Community Governance Review timetable.

Given this alignment, parish and town councils have been asked to consider whether they would wish to align 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 Council's consideration of the recommendation.

Some uncertainty remains under certain reorganisation models, such as Option 4D, where existing parish areas may be split across new unitary boundaries. The implications for election arrangements would need to be resolved through implementation.

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 names of the new unitary councils will need to be agreed early, as they will inform legal orders, communications, branding and electoral arrangements. New Unitary Councils will be able to change their name after vesting day, subject to necessary legal and governance processes.

Government has generally used cardinal or inter-cardinal naming conventions in Devolution Priority Programme areas. Appendix III summarises the names used by councils that have gone through, or are going through, similar change.

The Kent and Medway proposals cover different geographies, each of which could support a distinct place-based identity. Two naming approaches are therefore presented for consideration.

Table 3 sets out suggested names aligned to the conventions observed in Devolution Priority Programme areas and 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       |

Council is asked to consider the two approaches and approve its preferred naming convention, having regard to the recommendation of Policy and Resources Committee.

**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.

Council is asked to note this as the proposed response.

### **3.0 Proposals**

Policy and Resources Committee has considered the matters set out in this report and recommends that Council approve the following recommendations as Swale Borough Council's response to MHCLG's request for representations on the Structural Change Order:

1. To approve the transitional governance models set out in Table 1 at section 2.8 of the report.
2. To approve the proposed membership of the Joint Committees as set out in Table 2 at section 2.9 of the report.
3. To approve that the Chair and Deputy Chair of each Joint Committee be appointed by the relevant Joint Committee at its inaugural meeting.
4. To approve that the proposed Joint Committees should not be subject to political balance requirements.
5. To approve that each Joint Committee agree, at its inaugural meeting, the Returning Officer for the first election to its relevant Shadow Authority.
6. To approve the proposed membership of the Implementation Team, with the Kent County Council Chief Executive appointed as Senior Responsible Officer for the overall programme, the Medway Council Chief Executive appointed as Deputy Senior Responsible Officer, and the Unitary Senior Responsible Officers appointed from the existing pool of borough and district Chief Executives.
7. To approve, subject to consideration of parish and town council representations, whether future parish and town council elections should be aligned with elections to the new unitary authorities.
8. To approve the preferred naming convention for the new councils as outlined in section 2.15 of this report, selecting from the options set out in Table 3, Table 4, or as otherwise determined by Council.
9. To note that no further modelling has been undertaken on councillor numbers for the proposed geographic models under consideration.
10. That delegation be granted to the chief executive to submit the council's response to MHCLG and, in consultation with the Leader, make any minor amendments as required.

### **4.0 Alternative Options Considered and Rejected**

- 4.1 Council 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 the opportunity to influence MHCLG's consideration of these matters as part of the legal framework for local government reorganisation, which could have a detrimental impact on the Council's interests during transition.

### **5.0 Consultation Undertaken or Proposed**

- 5.1 No consultation is undertaken or proposed.

## 6.0 Implications

| Issue                                                        | Implications                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Corporate Plan                                               | <p>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.</p> <p>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.</p> |
| Financial, Resource and Property                             | <p>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.</p>                                |
| Legal, Statutory and Procurement                             | <p>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.</p>                                                                                                                                        |
| Crime and Disorder                                           | <p>There are no direct crime and disorder implications for these proposals.</p>                                                                                                                                                                                                                                                                                                                      |
| Environment and Climate/Ecological Emergency                 | <p>There are no direct Environmental Emergency implications for these proposals.</p>                                                                                                                                                                                                                                                                                                                 |
| Health and Wellbeing                                         | <p>There are no direct Health and Wellbeing implications for these proposals.</p>                                                                                                                                                                                                                                                                                                                    |
| Safeguarding of Children, Young People and Vulnerable Adults | <p>There are no direct safeguarding implications for these proposals</p>                                                                                                                                                                                                                                                                                                                             |
| Risk Management and Health and Safety                        | <p>There are no direct health and safety implications for these proposals</p>                                                                                                                                                                                                                                                                                                                        |
| Equality and Diversity                                       | <p>There are no direct Equality and Diversity implications for these proposals</p>                                                                                                                                                                                                                                                                                                                   |
| Privacy and Data Protection                                  | <p>There are no direct privacy or data protection implications for these proposals</p>                                                                                                                                                                                                                                                                                                               |
| Local Government Reorganisation (LGR)                        | <p>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</p>                                                                                                                                                                                            |

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|  | 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/>