

# KENT COUNTY COUNCIL – URGENT RECORD OF DECISION

## DECISION TAKEN BY

Cabinet

9 January 2025

## DECISION NO:

25/00002

### For publication

### Key decision

Yes – significant Policy development

### Subject: English Devolution White Paper

### Decision:

Cabinet to:

1. Agree to submit a request to Government, jointly with Medway Council, for Kent and Medway to be included in the Devolution Priority Programme
2. Note that acceptance onto the Devolution Priority Programme will commit Kent and Medway to elections to a new Mayoral Strategic Authority (MSA) in May 2026 and implementation of local government reorganisation by either April 2027 or April 2028
3. Agree to request that the Minister for Local Government and English Devolution consider postponing County elections scheduled for May 2025

### Reason(s) for decision:

If KCC is minded to respond to the Government call for requests to join the Devolution Priority Programme (DPP), it must do so officially by the end of 10 January. Such a response is a substantive policy position being taken by the Council as it commits the Authority to progressing toward future devolution and local government reorganisation, albeit with further engagement and discussion with Government on the detailed arrangements.

Taking account of views put forward by Members during an extraordinary Full Council meeting held on 9 January, the Cabinet has determined that the benefits of joining the Devolution Priority Programme are significant and should be requested from Government, in addition to agreeing the above decisions.

Details of the merits and considerations relating to the DPP are set out in the report to Full Council and Cabinet on 9 January.

Acceptance by Ministers of Kent and Medway on the Devolution Priority Programme will commit the County Council, working with Medway Council and the District and Borough Councils in Kent to the following:

- The creation of a Mayoral Strategic Authority: Areas which are in the Devolution Priority Programme must work to create a Mayoral Strategic Authority (MSA) and holding the first elections for the Mayor by May 2026.
- The delivery of Local Government Reorganisation: Areas which are in Devolution Priority Programme will be committing to delivering local government reorganisation by either April 2027 or April 2028. Areas on the programme will be expected to set out initial reorganisation

proposals by March 2025 and detailed proposals by Autumn 2025

In line with the details set out in the Ministerial letter and the understanding that acceptance onto the Devolution Priority Programme is directly related to the Government's view of whether elections can and should be postponed, this decision also makes the request to delay the elections as a logical corollary of the requested Devolution arrangements.

It should be noted that the decision on KCC's acceptance onto the DPP and any delay of elections will be taken by Ministers.

## **Background**

The publication of the English Devolution White Paper on 16 December 2024 provides a definitive policy position from Government in regards to both devolution and local government reorganisation. The Government proposes to establish a Devolution Priority Programme for a limited number of areas which wish to access the benefits of both devolution and local government reorganisation as quickly as possible.

Entry onto the priority programme will support stronger and more constructive engagement with Ministers and civil servants in developing proposals in a way that works best for Kent and Medway, as well as earlier access to the benefits of devolution in terms of powers, funding (and funding flexibilities) and a national level voice.

In joining the priority programme, it is the quickest route for Kent and Medway to draw down devolved powers and monies from Government to deliver new and reformed services and improvement programmes for the benefit of Kent and Medway residents and businesses. Multiple strategic statements from KCC have placed achieving devolution as a key strategic objective of the council, and entry onto the Devolution Priority Programme provides the quickest route to finally meeting that objective from May 2026. This would then give Kent an immediate stronger voice in discussions on national policy and priorities with Government through membership of the Council of Nations and Regions, and the Mayoral Council.

Moreover, given the criteria for moving to Established MSA status is primarily an 18 month running period, the sooner Kent and Medway delivers an MSA the sooner it can gain the substantive benefits of an integrated settlement with Government, gaining greater freedoms over the use of devolved monies, and seek additional and bespoke devolved powers. The risk of not seeking Devolution Priority Programme status is that Kent and Medway would be further disadvantaged and left behind by an increasing majority of local areas with access to a range of powers and funds that will simply not be otherwise available to Kent and Medway for many years.

## **Reason for Urgency:**

Following the publication of the English Devolution White Paper on 16 December 2024 the Government proposes to establish a Devolution Priority Programme for a limited number of areas which wish to access the benefits of both devolution and local government reorganisation as quickly as possible. The deadline for applications to the programme is 10 January 2025.

The decision to request Kent and Medway be included in the Devolution Priority Programme is a matter for the Executive pursuant to section 7 of the KCC Constitution and the relevant legislation.

However, Members received a briefing ahead of an extraordinary County Council meeting that was held on 9 January to provide an opportunity for all Members to debate the issue and provide an informative to assist Cabinet in making their decision.

## **Financial Implications:**

Devolved funding arrangements are intended to reserve the most significant powers to Established MSAs.

The detailed financial implications of the devolution and local government reorganisation will not be known until engagement with Government progresses further.

This decision relates to agreeing an initial position for formal response to Government within the required timescales.

#### **Legal Implications:**

The decision to request Kent and Medway be included in the Devolution Priority Programme is a matter for the Executive pursuant to section 7 of the KCC Constitution and the relevant legislation.

In any progression of devolution or local government reorganisation, the Council will comply with relevant legislation, including responding to any new legislation approved by Parliament as required to facilitate the Devolution agenda. For example, specific legislation will need to be passed to complete any Devolution arrangement and to approve full local government reorganisation.

#### **Equality Implications:**

The decision relates to formal responses to Government on high level strategic governance rather than operational service delivery – initial assessment of the proposal does not indicate any disproportionate negative impacts on protected characteristic groups.

#### **Data Protection Implications:**

There are no expected data protection implications as a result of this decision.

#### **Committee recommendations and other consultation:**

Given the wider implications of being accepted on the programme, it was felt the matter should be considered by full Council on Thursday 9<sup>th</sup> January 2025, before a formal meeting of Cabinet took the necessary Urgent Decision at its meeting on Thursday 9<sup>th</sup> January 2025.

County Council, at its meeting on 9 January, resolved to:

- 1) **Endorse** the ongoing joint work between KCC, Medway Council and District and Borough Council Leaders to respond the English Devolution White Paper
- 2) **Endorse** the proposed decision by the Leader of the Council [Cabinet] to submit a request to Government, jointly with Medway Council, for Kent and Medway to be included in the Devolution Priority Programme
- 3) **Note** that acceptance onto the Devolution Priority Programme will commit Kent and Medway to elections to a new Mayoral Strategic Authority (MSA) in May 2026 and implementation of local government reorganisation by either April 2027 or April 2028
- 4) **Note** that acceptance onto the Devolution Priority Programme may lead to the County Council elections scheduled for May 2025 being postponed subject to ministerial decision
- 5) **Expects** there to be as much transparency as possible in this process.

**The Chair of the Scrutiny Committee, in addition to agreeing that the decision could not be reasonably deferred provided the following comments:**

Mr Booth (Chair of Scrutiny) supported the decision.

**The Group Spokespeople of the Scrutiny Committee providing the following comments:**

Mr Brady (Labour – Leader of the Opposition) stated:

Kent County Council's Conservative administration has taken the decision to put forward the proposal to apply to be on the Devolution Priority Programme, embracing all benefits but also knowing the risks which that involves. It must be viewed through that lens; it is a choice to be on the programme. Because of this choice, it is incredibly important to increase the transparency regarding further conversations, decisions and the subsequent actions made. Members and residents must be regularly informed of the continual progress of this Programme.

There is an ongoing concern centred on the proposal made by this Conservative administration to postpone the elections this year. It is an affront to democracy, and Kents residents must be able to have their say as soon as possible - a delay beyond a year is unacceptable. It is my assumption that the government's hands are now tied regarding granting the Conservative administration's desire to cancel the May 2025 Kent County Council elections, as it would open the government up to legal challenge.

The Conservative administration must now adopt the government's genuine offer of co-production in reference to the next steps and we must embrace the ability to negotiate on this. A permanent shift of power away from Whitehall and into the hands of those who know their communities best is a welcome proposal. Local Government Reorganisation must be one of the main priorities and this must be made clear. The consultation on this should be wide ranging and the inclusive conversations with Medway, Districts, Town, and Parish councils, as well as with all residents must happen immediately. The perceived benefits as well as the negative views need to be given equal attention within this discussion. There is a very real risk that community identity will be sacrificed, and this must be addressed and mitigated for.

There are many outstanding, unanswered questions and one of the most important centres on the level of debt this council and districts possess compared to the level of reserves- there is a clear disparity, with debts far exceeding the level of reserves. Unitary authorities must not be formed with prominent levels of debt because this will hamper service delivery.

Running alongside all of this are the needs and views of our hardworking staff members. They will have very real concerns throughout this process, and we need to give substantial support to them and keep them informed of the processes and the changes which the Devolution Priority Programme will naturally bring. There will now be many uncertainties, and a caring council needs to recognise and mitigate for these.

Ultimately, the decisions detailed in this document are choices. So, let us be under no illusion, they are choices which have been made against a degree of Member opposition, but now, moving forward, the next steps should be centred on making Kent resident's lives better through improved service delivery.

Mr Lehmann (Leader of the Green & Independent Group) stated:

- a) I'm disappointed that this decision has been taken with such little information being available for digestion by the council, particularly around the level of financial benefit a directly elected mayor would bring, and the governance arrangements for the mayoral strategic authority. Although, as I have acknowledged publicly, the leader has been more open and inclusive

than other county council leaders, the secretive and closed nature of discussions so far have done nothing to lead me to believe that we know enough about what we are signing up for. This concern is compounded by the fact that a meeting between Kent leaders and the ministry on 8 January 2025 appeared to bring up new information not previously known to Kent leaders and Chief Execs involved in the discussions.

- b) I feel that the second resolution in the above decision is misleading in that recent discussions appear to have ruled out the possibility of LGR taking place in April 2027. Its inclusion here appears to be solely to maintain an illusion that this may still happen.
- c) Further to the above, I fundamentally disagree with the council requesting the cancellation of election in May 2025. If, as has been suggested, county elections will only be delayed by one year, and we have to have them in May 2026, I feel that this will prove far more disruptive to the LGR process than elections in May 2025 would be to the devolution process. If the leader and executive have received information which leads them to believe otherwise, it's a shame that this was not shared with the council. I sincerely hope that the council does not request a second cancellation, the granting of which would enable the administration elected in 2021 to continue in post until April 2028.

Mr Hook (Leader of the Liberal Democrat Group) stated:

The Liberal Democrat Group opposes this outrageous manoeuvre to stop the public voting in local elections this year and to impose a mayor and extra taxes on the people of Kent.

There is no necessity or group reason for the local elections to be postponed and there is a real risk that a delay of one year, which is itself undemocratic, will be further extended.

Creating a mayor means concentrating too much power in the hands of one person with minimal accountability.

Change should be public-led not imposed from above. What people want is more say over local services through representatives they elect at a really local level.

A mayor will mean will not have the great diversity of life experience that members of councils have.

A better path would be an elected Assembly as they have in Wales, Northern Ireland, Scotland and London.

The failure of the Cabinet to even suggest that to government is a significant concern and suggests that the Executive has not properly explored devolution options with Government before committing to a particular route.

**Any interest declared when the decision was taken and any dispensation granted by the Proper Officer: None**



Roger Gough – Leader of the Council  
Chair of Cabinet

9 January 2025