Devolution policy assessment

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1. Introduction

- 1.1 The Devolution assessment considered the opportunities and challenges around devolution policy presented by Local Government Reorganisation (LGR) in Kent and Medway addressing the following themes:
 - How do we create unitaries with the capacity, capability and scale to engage and deliver within an MCA?
 - How do you change the relationship between tiers, so we avoid recreating the fragmentation of the two-tier system?
- 1.2 Kent's ambitions for Devolution are covered in the joint Kent and Medway Devolution Priority Programme (DPP) submission from March this year. Consequently, the main part of this paper only deals with the 'why' and 'what' very briefly.
 - 2. Summary of issues related to the relationship between devolution and local government reorganisation

How do we create unitaries with the capacity, capability and scale to engage and deliver within an MCA?

This includes creating sustainable building blocks for the future Strategic Authority (SA).

- 2.1 Evidence from areas that have already pursued the Mayoral Combined Authority (MCA) model (now Mayoral Strategic Authority (MSA)) highlight that the most effective and mature devolved governance arrangements are where a MCA model is underpinned by a Combined Authority (CA) membership of (unitary) councils of roughly the same size, with the same functions and similar issues and challenges, as it supports joint working and prioritisation, but also creates a stronger capacity and capability to ensure collective approach within the CA between the Mayor on the constituent councils.
- 2.2 Coupled with the devolution of powers and responsibilities from Whitehall to a Kent and Medway mayoral strategic authority (MSA), this could make local government more efficient and responsive to the needs of Kent residents.
- 2.3 However, the issues of devolution and LGR are inextricably linked and concurrent implementation is likely to be the most effective way to achieve a sustainable future local government system in county areas. Government acknowledges this position in the English Devolution White Paper as reorganisation without devolution risks leaving Kent and Medway with marginal benefits, significant costs, and opportunity loss from not being able seize the benefits of devolution as early as possible.
- 2.4 There is increasing evidence that individual councils are unable to meet the financial challenge as growing budgetary pressures, worsened by steadily rising social care demand, have seen the viability of Kent and Medway's 14 local councils increasingly at risk. The scale of direct savings from LGR has also been on a diminishing curve for some time and may not be of sufficient scale to balance the disaggregation costs for large counties such as Kent. What could be transformational, is placing new unitary councils in a system where they can influence the strategy, policy and funding levers available to new MSAs through devolution, to maximise both resource available and the effectiveness of services in their local areas.
- 2.5 There is a strong theme of Public Service Reform (PSR) running throughout the White Paper and PSR must be a golden thread that runs through both LGR and devolution if Kent public services are to be financially sustainable. This approach would involve an MSA/MCA increasingly taking on the role of an Integrated Public Services Authority, which owns, drives and embeds a local PSR agenda/programme which would include integration and prevention and be designed by Kent and Medway for the benefit of Kent and Medway. This would enable individual service organisations (the new unitary councils) being responsible for operational delivery of public service delivery to residents, with the strategic policy, budget and delivery accountabilities flowing through the MSA/MCA where collective approaches and shared resources could be agreed to tackle the structural and systemic issues that impact Kent and Medway's local communities the most.
- 2.6 Ultimately, Devolution, LGR and PSR could also facilitate Kent and Medway Members the new unitary councils and MSA to become stronger conveners of place, rebalancing the current trajectory of the public sector in Kent and Medway from needing to dedicate much of its capacity to managing demand in adult social care, children's services and homelessness and contract inflation.

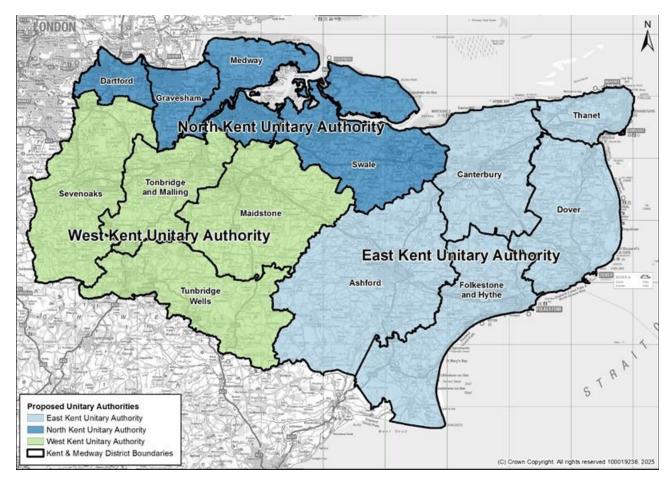
How do you change the relationship between tiers, so we avoid recreating the fragmentation of the two-tier system?

This includes scaling up to work at a regional (Kent and Medway) level and a strong voice for Kent at national level.

- 2.7 The current two-tier system in Kent creates challenges because the relationship is unequal in terms of responsibilities and budgets. District Councils may have planning as a major responsibility, but housing targets are now primarily a central Government role. Meanwhile county councils have social care and a budget that dwarfs districts. Some districts are also facing increasing challenges to their financial viability, placing further strain on two-tier relationships.
- 2.8 A unitarised Kent & Medway therefore could lead to a more equal relationship in terms of parity of responsibilities and, in theory, budgets as well as enhancing accountability and a resetting of the relationship between local government and the public.
- 2.9 Through devolution the strategic policy, budget and delivery accountabilities would flow through the MSA where collective approaches and shared resources can be agreed to tackle the structural and systemic issues that impact Kent and Medway's local communities the most, and which often cut across individual public service roles and remit. For example, social isolation, coastal deprivation, homelessness and mental health support.
- 2.10 As outlined in the Revised Devolution Framework in the English Devolution Paper¹, the role, powers and responsibilities of a Mayoral Strategic Authority (MSA) is to deal with strategic issues (Transport and local infrastructure; Skills and employment; Housing and strategic planning; Economic development and regeneration; Environment and climate change; Health and Wellbeing; Public Service Reform (PSR); & Public Safety), whilst, the new unitary councils would operate as delivery vehicles for MSA priorities, and focus on leading their own place-based services as well as being sustainable enough to engage as strategic authority partners. This clear distinction between strategy and delivery will be an important keystone in relationship management between the unitary authorities and an MSA.
- 2.11 It would be the role of a Directly Elected Mayor for Kent & Medway to not only manage the strategic relationships and responsibilities in Kent but also the convening role they would bring to those wider discussions taking place at regional and national forums such as the Mayoral Council for England.
 - 3. Considerations for Three Unitary Model Option 1

This and the following sections explore the various unitary options through the criteria that new unitary structures must support devolution arrangements. These sections also consider the different challenges and opportunities identified across the different proposed models for LGR in Kent.

¹ English Devolution White Paper - GOV.UK



Population Criteria

- 3.1 Kent and Medway's population size (estimated to be approximately 1,879,100²) would enable a Strategic Authority (SA) across the county footprint in accordance with government criteria (combined population of 1.5 million or above).
- 3.2 For a MSA to work effectively, the constituent authorities should be unitary councils of near equal size, with the same statutory responsibilities. In this option, the proposed unitary councils (North: 663k, East: 662k, West: 551k) all exceed the government's 'guiding principle' of a 500,000 population for LGR arrangements and have similarly sized populations, creating equal partners under an MSA.

Border Infrastructure

- 3.3 This option creates councils with the critical mass of capacity and resources to manage Kent and Medway's unique position (particularly East Kent) as the UK's border to Europe. For example, all infrastructure in the county to manage the movement of goods and people across the border would all be contained with the proposed East Kent unitary council (Eurotunnel, Port of Dover, Sevington Inland Border Facility and Manston Arrivals and Processing Centre).
- 3.4 By reducing the existing structure (County, 12 districts, and one unitary) to three new councils, this option simplifies governance and enhances the region's **ability to negotiate**

² 2023 Mid year population estimates Total population in Kent

targeted investment, including for national priorities such as the Thames Gateway and Channel Ports corridor.

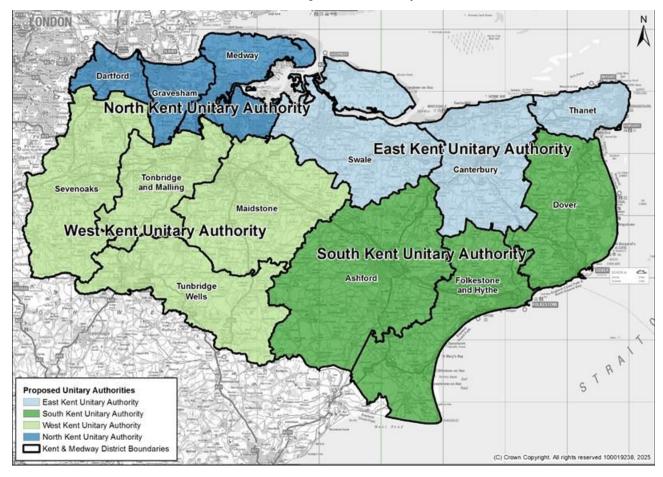
Partnership Working

- 3.5 Fewer unitary authorities may potentially be easier for a MSA to work with in partnership and manage expectations across the geographic footprint of the county. A key benefit of this model is that with three voting authorities, there cannot be a "deadlock" in decision making.
- 3.6 The coterminosity of public services within the current Kent and Medway boundary is an advantage that has allowed existing partners to focus on developing effective ways to work together within the county. The three proposed unitary councils would create a clean, simple arrangement with established relationships and a track record of delivery.

Capacity, Scope and Capability

- 3.7 It would create new unitary councils with sufficient scale and capacity to engage directly with a potential Directly Elected mayor and, conversely, with central government. It also supports fair democratic representation and provides a sustainable scale for delivering strategic functions under a Mayoral Strategic Authority (MSA).
- 3.8 While the three unitary authority option establishes a strong structural basis for a devolved landscape, variation in financial resilience, particularly in North and East Kent, could highlight the financial and socio-economic inequity across the county and a future Mayor (and central government) may have to focus their activity more on those underperforming areas.
- 3.9 A unitary authority that is struggling financially may not have the ability to be a reliable partner at a pan-Kent level nor the delivery capacity to deliver MSA priorities in their area.
- 3.10 Until a MSA is formed, the unitary authorities would be well placed to take on strategic planning, in the form of a Sustainable Development Strategy (SDS). However, this would later become a mayoral responsibility when the MSA is vested. The removal of overlapping responsibilities between tiers reduces duplication and strengthens the potential for coherent Kent and Medway planning and delivery.
- 3.11 The three unitary model will create new councils of sufficient size to act as effective anchor institutions within their areas, with sufficient leverage as major employers and purchasers to play their part in driving local economic growth.
- 3.12 A challenge is the fewer new unitary councils the greater the distance between residents and decision-makers and this may reduce perceptions of local responsiveness and accountability; however, it is suggested through the work identified in the Democracy and Local Identity assessment that appropriate mitigations, such as the use of Area/Community Boards, could be a suitable mechanism to provide a more localised focus.

4. Considerations for a Four Unitary Model – Option 2



Population Criteria

- 4.1 Kent and Medway's population size (estimated to be approximately 1,879,1003) would enable a Strategic Authority (SA) across the county footprint in accordance with government criteria (combined population of 1.5 million or above).
- 4.2 In this model the unitaries would not have evenly distributed populations (East: 453K, South: 363K, North: 508K, West: 551K), and South Kent would be significantly under the "guiding principle" of 500,000.

Border Infrastructure

4.3 The role of Kent as the UK's border to Europe will be a challenge as the four unitary model may result in councils that lack the critical mass of capacity and resources to manage this. This model separates Manston Arrivals and Processing Centre from other border services such as the Port of Dover and Eurotunnel Le Shuttle at Folkestone. This would result in a MSA having to work across multiple unitaries in order to address any challenges that arise.

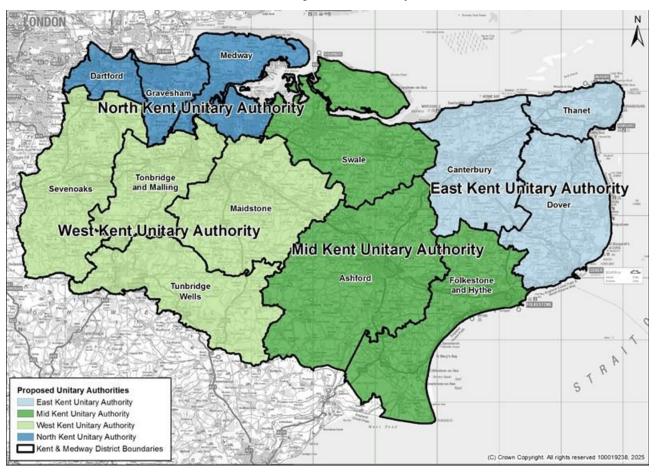
Partnership Working

³ 2023 Mid year population estimates Total population in Kent

- 4.4 Until a MSA is in place, four unitaries may weaken Kent's ability to secure national funding and infrastructure investment, as larger authorities typically have greater negotiating power.
- 4.5 **Services that benefit from county-wide coordination**, such as strategic transport planning, **could become more fragmented**, **making long-term planning difficult**. For example, this 4 unitary model separates Thanet from Folkestone and Hythe and Dover which means that the mayoral focus on coastal regeneration would require a more collaborative approach across two separate unitary authorities.
- 4.6 In terms of cross mayoral relationships, there is a potential for a **North Kent unitary to be** less engaged with a **Kent Mayor and more inclined to pursue greater engagement with** the **London Mayor.** For example, certain services such Transport for London (TfL) already have a reach which extends into areas of North Kent (Dartford).
 - Capacity, Scope and Capability
- 4.7 Smaller unitary councils may face capacity challenges and lack economies of scale that could reduce efficiency in service delivery. For example, in this model, there are large financial and socio-economic disparities between East, North East, Medway, and West Kent.
- 4.8 In addition, a unitary authority that is struggling financially may not have the ability to be a reliable partner at a pan-Kent level nor the delivery capacity to deliver MSA priorities in their area.
- 4.9 With four unitaries, governance could be more focused on local priorities, ensuring more voices in local decision-making and potentially leading to a more nuanced and responsive approach to policy development. Conversely, this could also lead to inertia.
- 4.10 This option groups Swale and Thanet together in East which creates the most deprived unitary authority of all of the options, meaning that this authority might require Exceptional Financial Support (EFS). Therefore, the capacity of the East Kent authority may be predominately focussed on their own day to day operation, rather than having the capacity to engage with strategic work at the mayoral level. These issues may also draw a mayor to focus disproportionately on this council.
- 4.11 Four unitaries introduce additional layers of coordination, increasing the risk of overlapping responsibilities and **higher administrative costs** compared to fewer unitaries.
- 4.12 Following the completion of LGR, the Mayor has a role to ensure that current strategies that are pan-Kent continue to remain. For example, the Stodmarsh Nutrient Mitigation Strategy⁴ would be split across two unitary authorities (Ashford and Canterbury) in this model.

⁴ 24-00122 - Stodmarsh Nutrient Mitigation Strategy.pdf

5. Considerations for a Four Unitary Model – Option 3



Population Criteria

- 5.1 Kent and Medway's population size (estimated to be approximately 1,879,100⁵) would enable a Strategic Authority (SA) across the county footprint in accordance with government criteria (combined population of 1.5 million or above).
- 5.2 Of the four unitary authority options, this version would create the most evenly distributed populations (East: 416K, Mid: 400K, North: 508K, West: 551K), potentially enhancing democratic representation. This could allow services to be better tailored to local demographic and geographic needs, improving community engagement and satisfaction.

Border Infrastructure

5.3 The role of Kent as the UK's border to Europe will be a challenge as the four unitary model may result in councils that lack the critical mass of capacity and resources to manage this. This model separates Folkestone and Hythe (Eurotunnel) and Ashford (Sevington) from Dover (Dover Port) and Thanet (Manston) and subsequently splits border services even further than in option 2. This could make it more challenging for a mayor to strategically work on border issues.

⁵ 2023 Mid year population estimates Total population in Kent

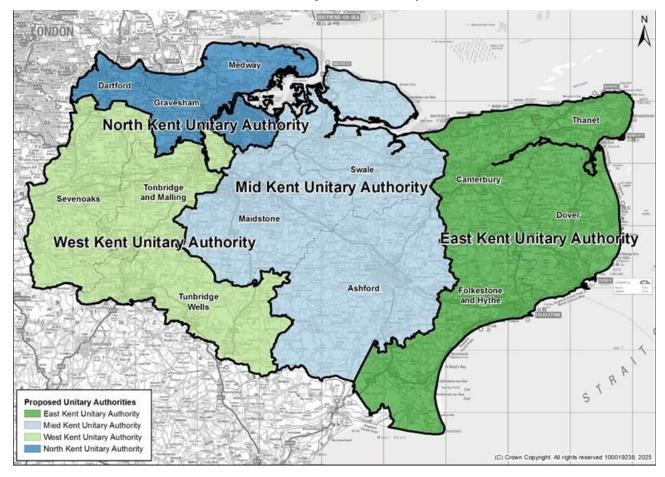
Partnership Working

- 5.4 In terms of cross mayoral relationships, there is a potential for a **North Kent unitary to be** less engaged with a **Kent Mayor and more inclined to pursue greater engagement with** the **London Mayor.** For example, certain services such Transport for London (TfL) already have a reach which extends into areas of North Kent (Dartford).
 - Capacity, Scope and Capability
- 5.5 Smaller unitary councils may face capacity challenges and lack economies of scale, potentially reducing efficiency in service delivery, whereas larger authorities may be more resilient. For example, there are financial and socio-economic disparities between East and West Kent. Although the 'East Kent Triangle' (Canterbury, Thanet and Dover) is an acknowledged functional area, it would still have financial and socio-economic challenges, compared to the other unitaries. This could lead to reduced capacity to work on mayoral priorities such as regeneration, particularly coastal regeneration. An MSA (particularly the mayor) could spend a disproportionate amount of effort one unitary.
- 5.6 In addition, a unitary authority that is struggling financially may not have the ability to be a reliable partner at a pan-Kent level nor the delivery capacity to deliver MSA priorities in their area.
- 5.7 With four unitaries, governance could be more focused on local priorities, ensuring more voices in local decision-making and potentially leading to a more nuanced and responsive approach to policy development. Conversely, this could also lead to inertia.
- 5.8 Four unitaries introduce additional layers of coordination, increasing the risk of overlapping responsibilities and **higher administrative costs** compared to fewer unitaries.
- 5.9 Four unitaries may weaken Kent's ability to secure national funding and infrastructure investment, as larger authorities typically have greater negotiating power.
- 5.10 Services that benefit from county-wide coordination, such as strategic transport planning, could become more fragmented, making long-term planning difficult. In addition, this model separates Thanet and Dover from Folkestone and Hythe which means that the mayoral focus on coastal regeneration would require a collaborative approach across two separate unitary authorities.
- 5.11 Following the completion of LGR, the Mayor has a role to ensure that current strategies that are pan-Kent continue to remain. For example, the Stodmarsh Nutrient Mitigation Strategy⁶ would be split across two unitary authorities (Ashford and Canterbury) in this model.

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⁶ 24-00122 - Stodmarsh Nutrient Mitigation Strategy.pdf

6. Considerations for a Four Unitary Model – Option 4



Population Criteria

- 6.1 Kent and Medway's population size (estimated to be approximately 1,879,100⁷) would enable a Strategic Authority (SA) across the county footprint in accordance with government criteria (combined population of 1.5 million or above).
- 6.2 This option is similar to option 2 however West and Mid Kent would be under the "guiding principle" of 500,000 (East: 526K, Mid: 470K, North: 508K, West: 371K), which is less evenly distributed than Option 3.

Border Infrastructure

- 6.3 The role of Kent as the UK's border to Europe will be a challenge and a four unitary model may result in councils that lack the critical mass of capacity and resources to manage this. Although this option provides the best (of the four unitary options) in regard to one unitary authority having the majority of border services under their remit (East Kent), this model does separate the Sevington site in Ashford from the other border infrastructure.
- 6.4 This option creates financial and socio-economic inequity between West and East Kent, with the latter potentially lacking sufficient capacity to engage at a MSA level.

⁷ 2023 Mid year population estimates Total population in Kent

This could also create a requirement for a MSA to spend a disproportionate amount of time on an East Kent authority.

Partnership Working

6.5 In terms of cross mayoral relationships, there is a potential for a **North Kent unitary to be** less engaged with a Kent Mayor and more inclined to pursue greater engagement with the London Mayor. For example, certain services such as Transport for London (TfL) already have a reach which extends into areas of North Kent (Dartford).

Capacity, Scope and Capability.

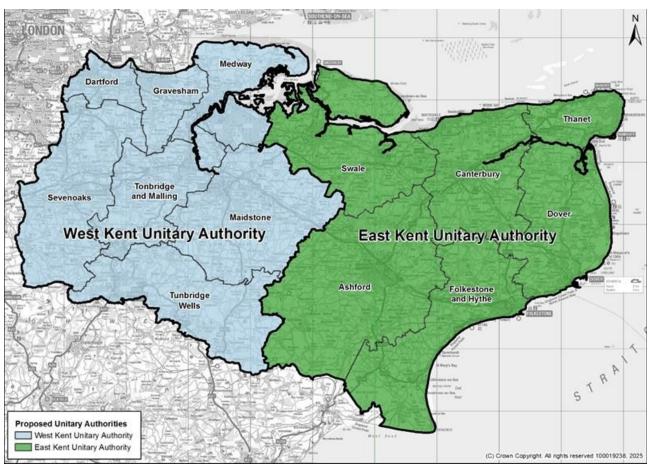
- 6.6 Smaller unitary councils may face capacity challenges and lack economies of scale, potentially reducing efficiency in service delivery, whereas larger authorities may be more resilient. For example, there are financial and socio-economic disparities between East and West Kent, these are particularly more acute than in option 2 due to West Kent being consolidated into the affluent Districts of Sevenoaks, Tonbridge and Malling and Tunbridge Wells. East Kent is more likely to have additional issues including capacity challenges which gives no bandwidth to work on mayoral activity such as regeneration such as coastal regeneration.
- 6.7 In addition, a unitary authority that is struggling financially may not have the ability to be a reliable partner at a pan-Kent level nor the delivery capacity to deliver MSA priorities in their area.
- 6.8 With four unitaries, governance could be more focused on local priorities, ensuring more voices in local decision-making and potentially leading to a more nuanced and responsive approach to policy development. Conversely this could also lead to inertia.
- 6.9 Four unitaries introduce additional layers of coordination, increasing the risk of overlapping responsibilities and **higher administrative costs** compared to fewer unitaries.
- 6.10 Four unitaries may weaken Kent's ability to secure national funding and infrastructure investment, as larger authorities typically have greater negotiating power.
- 6.11 **Services that benefit from county-wide coordination**, such as strategic transport planning, **could become more fragmented, making long-term planning difficult**.
- 6.12 This option may also create issues for spatial planning, with the West unitary authority not wishing to pursue higher levels of housing expansion which would in turn place this burden more so on the other unitary councils to increase housing stock for the county.
- 6.13 Following the completion of LGR, the Mayor has a role to ensure that current strategies that are pan-Kent continue to remain. For example, the Stodmarsh Nutrient Mitigation Strategy⁸, which aims to protect the River Stour and has impacted on housing growth, would be split across two unitary authorities (Ashford and Canterbury) in this model.
- 6.14 Mid Kent could become forgotten when considering activity across the entire county.

 This could be a consequence of the higher financial and socio-economic requirements of

^{8 24-00122 -} Stodmarsh Nutrient Mitigation Strategy.pdf

East Kent, combined with the higher levels of wealth in West Kent and a North Kent unitary that is less linked in local identity to the rest of the county.

7. Consideration for a Two Unitary Model -Option 5



Population Criteria

- 7.1 Kent and Medway's population size (estimated to be approximately 1,897,100°) would enable a Strategic Authority (SA) across the county footprint in accordance with government criteria (combined population of 1.5 million or above).
- 7.2 A two-unitary structure would result in population ratios significantly higher than the current level identified in the Devolution White Paper of a minimum of 500K and there would be a significant population disparity between the East (816K) and West (1.059k) unitaries. Taken at face value it would mean that the Government would likely not accept a two unitary model. Higher population figures would also be likely to have a negative impact on democratic representation and engagement and place a more significant role on a mayor.

Border Infrastructure

⁹ 2023 Mid year population estimates Total population in Kent

- 7.3 As with the three unitary model, the councils will be of sufficient size to act as effective anchor institutions within their areas, with sufficient leverage as major employers and purchasers to play their part in driving local economic growth.
- 7.4 The new unitaries would have the necessary capacity and resources to manage Kent's unique position as the UK's border to Europe however it is possible this role would fall disproportionately onto the East Kent unitary.
- 7.5 This option creates councils with the critical mass of capacity and resources to manage Kent and Medway's (particularly East Kent) unique position as the UK's border to Europe. For example, all the critical border infrastructure (the Port of Dover, Eurotunnel Le Shuttle at Folkestone (Cheriton, Sevington Inland Border Facility (IBF), Manston Arrivals and Processing Centre) would all be contained with the proposed East Kent unitary council.

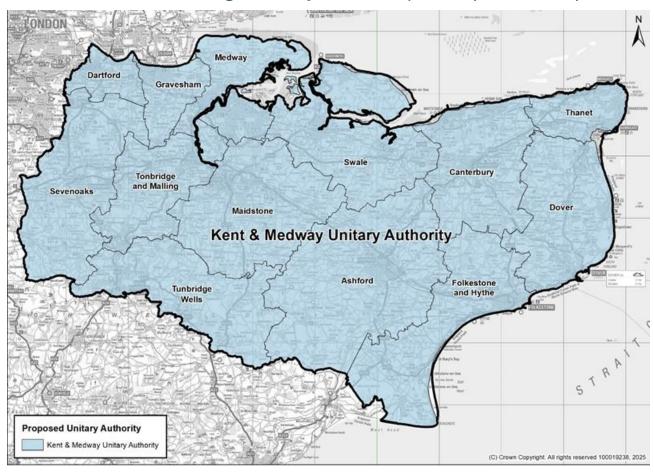
Partnership Working

- 7.6 Fewer unitary authorities may potentially be easier for a MSA to work in partnership across the geographic footprint of the county. For example, conversations on pan-Kent transportation strategies would be easier to manage due to less stakeholders for a MSA to engage with.
- 7.7 The governance between an MSA and 2 unitary councils could be problematic in terms of decision-making, as the Mayor would not have a casting vote for all policy issues.

Capacity, Scale and Capability

- 7.8 This option creates two unitaries with **sufficient scale and capacity to engage directly with central government.** By reducing the existing structure (County, 12 districts, and one unitary) to two entities, it simplifies governance, and the option enhances the region's ability to negotiate targeted investment, including for national priorities such as the Thames Gateway and Channel Ports corridor.
- 7.9 A two unitary model creates an East and West Kent, with very different challenges, local identities and characteristics. Due to these differing requirements of demand, it could be challenging for a MSA to not spend a disproportionate amount of time on one unitary, more than the other, due to issues such as greater deprivation.
- 7.10 This option groups Swale and Thanet together in East Kent, which are two of the most deprived Kent Districts.
- 7.11 The majority of any coastal regeneration projects would be taking place in one unitary authority (East Kent) which would make coordinating a place-based approach easier to manage.
- 7.12 Larger SA's may create distance between residents and decision-makers and reduce perceptions of local responsiveness, engagement and accountability. For example, there is a possibility that a two unitary model would lack the localised understanding to respond to planning and development and therefore would not be best placed to advise a MSA accordingly. However, community engagement mechanisms could be designed into new unitary operating models to mitigate this.

8. Consideration for a Single Unitary Model – Option 6 (Benchmark)



- 8.1 The government criteria states that a single unitary council and Mayoral Strategic Authority (MSA) cannot be established on the same geographical footprint. Consequently, a single Kent and Medway unitary council would have to combine with a neighbouring authority to create an MSA. However, Kent is unable to do this as our neighbouring authorities are already either on the Devolution Priority Programme (DPP) (Essex and East / West Sussex) or on the LGR Fast-Track (Surrey).
- 8.2 A single unitary model that sought to subsume Medway is unlikely to be supported by Medway or the Labour government.
- 8.3 Significant negotiation and lobbying would be required to put an argument to government that the new Kent and Medway unitary could get devolution as a single area, as this is against their current policy position and is unlikely to be successful.

Population Criteria

8.4 A single unitary structure would result in a population higher than the level identified in the Devolution White Paper (i.e. 500,000). A result of this would be a negative impact on democratic representation.

8.5 Kent and Medway's population size (estimated to be approximately 1,879,100¹⁰) would enable a Strategic Authority (SA) across the county footprint in accordance with government criteria (combined population of 1.5 million or above).

Border Infrastructure

8.6 This option would have the necessary capacity and resources to manage the nationally important border infrastructure between the UK and Europe.

Capacity, Scale and Capability

- 8.7 A single unitary authority would have sufficient leverage as a major employer and purchaser to play its part in driving local economic growth.
- 8.8 This model would create one single unitary authority of sufficient size to act as an effective anchor institution for Kent, with sufficient leverage as a major employer and purchaser to drive local economic growth.
- 8.9 This option would provide a single voice for the region, a more holistic view of the county and a greater capacity to respond on a regional and national level.
- 8.10 This model would provide coterminosity of local public service delivery and our strategic borders.
- 8.11 Larger unitary authorities may create distance between residents and decision-makers and give rise to perceptions of reduced local responsiveness and accountability; however, it is suggested through the work identified in the Democracy and Local Identity assessment that appropriate mitigations, such as the use of community boards, could be a suitable mechanism to provide a more localised focus.

¹⁰ 2023 Mid year population estimates Total population in Kent

9. Conclusion

- 9.1 In summary, the options under consideration are:
 - A three unitary Model
 - Three configurations of a four unitary Model
 - A two unitary Model
 - A single unitary Model
- 9.2 The conclusion of this assessment is that a **three unitary option best meets the government criteria** to support future devolution arrangements in Kent and Medway for the following reasons:
 - It meets the government's population criteria of 500,000 as a 'guiding principle' for local government reorganisation; and this reflects the interim plan feedback.
 - It meets the government's population requirements for the size of a Strategic Authority (SA).
 - This model would provide broad coterminosity of local public service delivery.
 - Compared to the various four unitary options, three unitaries would create councils
 with the critical mass of capacity and resources to provide local services as well as
 sufficient scale to engage with a mayor and central government on strategic issues,
 particularly border infrastructure.
 - Compared to the other options, fewer unitary authorities may potentially be easier for a MSA to work with in partnership across the geographic footprint of Kent and Medway.
 - The proposed unitaries are of a configuration that communities would be able to relate to (i.e. North / 'Greater Medway', East and West Kent).