



The Rt Hon Angela Rayner MP
Secretary of State
Ministry of Housing, Communities and Local Government

By email

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Dear Secretary of State,

Re: Local Government Reorganisation Decision for Kent and Medway: Request for further Explanation and Information

On 16 July 2026, your predecessor, the Rt Hon Steve Reed MP, wrote to the leaders of Kent and Medway councils setting out his decision to select Option 4B for local government reorganisation in Kent and Medway, and the rationale for that decision. Having reflected on his letter and his statement in the House of Commons, I have serious concerns about the reasoning and process underpinning that decision.

Given we have a new Government under a new Prime Minister, it seems appropriate to ask whether, given the limited and uncertain financial benefits of reorganisation, the new Government is determined to press ahead with this policy for which there is little resident appetite, when money could be better spent providing essential services through existing structures. I do not understand how the Government can adopt a strategy of tackling the cost of the living crisis on the one hand, whilst on the other hand, drive forward a reorganisation policy the costs of which will clearly, and completely unnecessarily, lead to higher council tax bills for Kent residents.

Before turning to the specific areas on which I seek detailed explanation and information, I wish to address several statements made in the decision letter itself.

First, it was the Government itself that made clear that the indicative population threshold of 500,000 was not intended to be a target and that proposals should be assessed against the full range of criteria in the Statutory Invitation, rather than by reference to population size alone. The summary dismissal of Option 1A in the decision letter by reference to its proposed population size gives no indication that serious consideration was given to the significant benefits it offered in terms of financial resilience and service sustainability. This is particularly striking given the statement in the business case that 73% of local government services are delivered at countywide scale.

I also challenge the characterisation in the decision letter of the area assemblies proposed as part of Option 1A as an untested governance model. The Option 1A business case made clear that the proposed area assemblies would take the form of area committees exercising functions and powers delegated by the Leader of the Council. They therefore represented an extension of

an established governance model used by councils across England, rather than a wholly novel arrangement, and were intended to operate within the existing legislative framework for local authority governance.

Finally, I note that, in other LGR decisions, the then Secretary of State placed significant weight on the relative levels of council support for each option as an indicator of wider local support. I am therefore particularly surprised that the absence of broad consensus for any of the options submitted for Kent and Medway was not addressed in the decision letter. Option 4B was supported by only three of Kent's district councils, which together account for just 5% of Kent's total local authority expenditure. In my view, that level of support is wholly insufficient to justify the scale of the detrimental change that will now be imposed on the residents of Kent and Medway.

Beyond these points, I have more detailed and specific concerns about both the decision and the process by which it was reached. I would welcome a full explanation and the relevant supporting information on the matters set out below.

1. Appropriate and timely assessment of Option 1A against the criteria

In the decision letter, the Secretary of State explicitly stated that Option 1A did not meet the criteria set out in the Statutory Invitation of 5 February 2025. However, this directly contradicts the statement made by the Minister, Baroness Taylor, on the morning of 16 July, at the meeting convened to inform Kent and Medway council leaders of the decision. At that meeting, she stated that all proposals put forward in Kent and Medway had met the criteria.

The Government's consultation document on the LGR proposals for Kent and Medway, published on 5 February 2026, states:

"In order to enable an assessment of the councils' proposals to be made against the criteria in the statutory invitation, views are sought on all proposals that meet the terms of the invitation (i.e. where the proposals seek to achieve the invitation criteria and provide all the information specified in the guidance)."

In a letter to council leaders involved in Wave 2 of LGR - that is, areas outside the Devolution Priority Programme - sent by the then Minister of State, Alison McGovern, on 6 February 2026, ahead of the consultation process, she stated:

"While a preliminary assessment of all submissions has been conducted, we have not yet made any formal assessment against the invitation criteria. This will be completed once the consultation process has concluded, so that all evidence can be considered."

Option 1A was included in the consultation. Any individual or organisation responding to that consultation would reasonably have inferred that the Government considered Option 1A to have met the threshold required for consultation and that it was therefore a legitimate option which might be selected by the Secretary of State and subsequently implemented.

It is also reasonable to assume that most participants would have expected MHCLG's "preliminary assessment" to have determined whether a proposal met the criteria sufficiently to proceed to consultation. Otherwise, the purpose of including the proposal in the consultation is unclear, and its inclusion risks having been based on a false premise. The distinction drawn by Minister McGovern between a "preliminary assessment" and a subsequent "formal assessment" is unclear, particularly as it was not explained in the consultation document itself.

This raises serious concerns. In particular, the sequence of events suggests that a proposal deemed suitable to proceed to public consultation following a “preliminary assessment” may subsequently have been judged not to meet the relevant criteria at the “formal assessment” stage, even though the underlying facts of the proposal had not changed. This creates the appearance that Option 1A was retrospectively judged not to have met the criteria at the very point at which its merits were to be assessed comparatively alongside the competing proposals.

That would appear procedurally unfair. I would therefore be grateful if you could provide:

- 1.1 Confirmation of the date or dates, methodology and outcome of any “preliminary assessment” of Option 1A and each of the other Kent and Medway proposals conducted before the launch of the public consultation, including whether Option 1A was assessed at that stage as meeting the invitation criteria.
- 1.2 Please also confirm whether it was officials or Ministers that undertook or approved the preliminary assessment.
- 1.3 Clarification of the distinction drawn by Minister McGovern in her letter of 6 February 2026 between a “preliminary assessment” and a “formal assessment” against the invitation criteria, including the threshold that a proposal was required to meet to be included in the public consultation.
- 1.4 Details of any change in the evidence or the Government’s analysis between the point at which Option 1A was accepted for consultation and the point at which your decision letter determined that it did not meet the criteria.
- 1.5 Confirmation of whether officials or Ministers considered, when the consultation was launched, that Option 1A did not meet the invitation criteria and, if so, why respondents were not informed of that assessment before submitting their views.

2. Failure to explain how financial benefits were outweighed by other criteria

Since the commencement of the LGR process in February 2025, Ministers have consistently referred to LGR as a means of securing the future financial sustainability and resilience of local government.

In the decision letter, it states:

“I am satisfied, based on our assessment against the criteria, that my selected option is likely to generally represent an overall improvement in, or be similar to the sustainability of current structures. The single unitary proposal could be more likely to deliver savings but did not meet the criteria overall.”

The phrase “likely to generally represent an overall improvement in, or be similar to” is highly equivocal and provides little clarity about the improvement that Option 4B is expected to achieve. Given the fragile state of local government finances, the significant demand and cost pressures facing council services, and the centrality of financial resilience to the rationale on which the Government launched the LGR process, it is difficult to understand how an acceptable outcome could be that, after the seven-to-fourteen-year payback period for Option 4B, Kent and Medway may be left with a level of financial sustainability broadly similar to that of the current structure.

I have further concerns about the robustness of the financial assessment, particularly in relation to the proposed East Kent unitary authority. Our business case identified the need to manage significant disparities in socioeconomic conditions and service demand across the county as one of the principal arguments for a single Kent and Medway unitary authority.

The proposed East Kent authority would encompass areas of significant coastal deprivation and would face disproportionately high demand and cost pressures in adult social care, children's social care and special educational needs and disabilities compared with the other proposed unitary authorities. This could place it under severe financial strain from its first day of operation. That risk is compounded by the absence of an agreed approach to allocating the financial pressures associated with unaccompanied asylum-seeking children, particularly leaving-care costs. It is not clear that these costs were factored into the decision.

All councils across Kent and Medway recognised the importance of financial sustainability and resilience within the LGR process. Despite political differences and differing views about the most appropriate LGR solution for Kent and Medway, all authorities remained committed to developing their competing proposals using a shared financial assessment methodology. This was specifically requested by MHCLG in the Statutory Invitation and was intended to enable a genuine comparative analysis of the implementation costs, financial benefits and payback periods associated with each option.

The decision letter does not explain how the then Secretary of State considered, assessed or weighted the joint financial assessment submitted by all councils when determining the extent to which each proposal met the statutory criterion relating to financial resilience. Even setting aside the financial benefits associated with Option 1A - which the letter acknowledges could be significant, amounting to up to £538 million more over ten years than Option 4B - other options were also assessed as delivering greater financial benefit and resilience than Option 4B. Option 3A, for example, was assessed as capable of delivering up to £307.1 million more than Option 4B over ten years.

The failure to address meaningfully this material difference in financial benefit and resilience between Option 4B and the other proposals is a significant omission from the decision letter.

I would therefore be grateful if you could provide:

- 2.1 Confirmation of how the shared financial assessment methodology, developed jointly by all Kent and Medway councils at MHCLG's request, was used to evaluate the relative financial sustainability and resilience of each proposal, including Option 4B.
- 2.2 Copies of any analysis, modelling or advice, whether prepared internally or by external advisers, comparing the financial benefits and payback periods of Option 4B with those of the other proposals, including Options 1A and 3A.
- 2.3 Details of how "financial sustainability" and "financial benefit" were weighted against the other assessment criteria, including the relative significance attached to each criterion.
- 2.4 Clarification of what is meant by the statement that Option 4B is "likely to generally represent an overall improvement in, or be similar to, the sustainability of current structures", including whether this reflects a quantified assessment or a qualitative judgement and the analysis underpinning it.
- 2.5 Confirmation of whether the differential in financial benefit between Option 4B and Option 3A - up to £307.1 million over ten years, according to the joint financial assessment - was taken into account and, if so, how it was reconciled with the decision to select Option 4B
- 2.6 Copies of any assessment of the financial sustainability of the proposed East Kent unitary authority, including the assumptions made in relation to coastal deprivation, adult and children's social care, SEND and the allocation of UASC-related and leaving-care costs.

3. Expectation that border-related transport risks would be properly considered

On 15 May 2025, MHCLG wrote to all Kent and Medway councils to provide feedback on the interim proposals submitted by all 14 authorities in March 2025. That letter formally acknowledged that Kent's position creates "unique considerations for local government reorganisation".

It specifically referred to the Short Straits crossings, the Channel Tunnel and the inland border facilities, and asked councils to provide evidence explaining how border-related function - particularly highways resilience, emergency planning and freight management - could be maintained under different council configurations

Option 1A - the County Council's proposal for a single Kent and Medway unitary authority - was developed in part because of the need for these pressures to be managed at scale. Only an authority operating at countywide scale has the resilience required to respond effectively to fluctuating demand and the operational pressures that Kent's unique border responsibilities place on its transport infrastructure.

Despite the specific request contained in MHCLG's interim proposal feedback, the alternative proposals submitted by councils in Kent and Medway did not address, in any meaningful or substantive way, the concerns raised by the Department about how their proposed configurations would support the continuing management of border-related highways pressures and Operation Brock.

In light of this evidential gap, I remain extremely concerned that your decision letter makes no reference to the border-related pressures affecting Kent and Medway's highways network and provides no explanation of how those pressures were considered in reaching your decision on Option 4B.

Border-related pressure is a constant reality for Kent and Medway and regularly requires the mobilisation of significant resilience functions and services across KCC and its wider strategic partners. At the time of writing, Operation Brock is in operation to manage increased traffic associated with summer holiday demand through the Port of Dover and the Channel Tunnel. It affects a substantial part of the county and crosses the boundaries of multiple districts and future unitary authorities under the Option 4B configuration.

The omission leaves no clear account of whether, or how, this issue influenced your decision. Given the weight that the Government itself placed on the matter when providing its interim feedback in May 2025, the absence of any explanation represents a serious deficiency in the reasoning set out in your decision letter.

I would therefore be grateful if you could provide:

- 3.1 Confirmation of how, and by whom within Government, the evidence submitted by Kent and Medway councils in response to MHCLG's interim feedback letter of 15 May 2025 concerning border-related transport and highways resilience was assessed.
- 3.2 Copies of any assessment, analysis or advice considered in reaching your decision that addresses the management of border-related pressures - including Operation Brock, the Short Straits crossings, the Channel Tunnel and the inland border facilities -under the four-unitary model.
- 3.3 Confirmation of any meetings or engagement with Department for Transport or National Highways on border related highway pressures and LGR, including dates of any meetings and copies of any associated correspondence, minutes or papers.

- 3.4 Clarification of why the decision letter of 16 July 2026 contains no reference to border-related highways or transport resilience, given the specific request for evidence contained in MHCLG's letter of 15 May 2025.
- 3.5 Confirmation of whether any of the alternative proposals submitted by other Kent and Medway councils specifically addressed how border-related functions would be managed under their proposed configurations and, if so, details of that evidence.
- 3.6 Details of any contingency or transition planning undertaken by MHCLG for the continued operational management of Operation Brock and related cross-boundary highways functions during the shadow period and following vesting day under the selected structure.

4. Expectation that issues relating to unaccompanied asylum-seeking children would be properly considered

I welcome the importance you attach in your letter to the issue of unaccompanied asylum-seeking children and the additional pressures that this places on the County Council and any future unitary council configurations across Kent and Medway.

However, this issue was specifically raised in MHCLG's interim feedback to all Kent and Medway councils in its letter of 15 May 2025. As with the border-related functions referred to above, MHCLG asked councils to submit proposals explaining how services and statutory responsibilities relating to unaccompanied asylum-seeking children would be maintained under the different future unitary configurations.

Again, as with the border-related highways issue, the alternative LGR proposals submitted by the other councils in Kent and Medway did not explain in any meaningful or substantive way how the pressures associated with unaccompanied asylum-seeking children would be managed under their proposed configurations.

The County Council does not underestimate the difficulty of this issue. Since the High Court judgment, KCC has worked constructively with the Home Office and the Department for Education to develop operating arrangements that seek to protect the individuals to whom KCC owes statutory duties under the Children Act. We have also sought to work with the Home Office in a coordinated and effective manner to support the operation of the National Transfer Scheme.

While I welcome your offer for MHCLG to work with councils across Kent and Medway, particularly the County Council, to address this issue through LGR - both in developing the future arrangements and throughout the transition - the fact that further work is now required appears to acknowledge that the implications for unaccompanied asylum-seeking children have not yet been fully resolved or reflected in the decision to approve Option 4B.

I would therefore be grateful if you could provide:

- 4.1 Confirmation of the extent to which the impact of local government reorganisation on the National Transfer Scheme has been considered, including which government departments were involved in that assessment.
- 4.2 Copies of any modelling, risk assessments, operational analysis, options appraisals or other supporting evidence that informed MHCLG's conclusions regarding arrangements for unaccompanied asylum-seeking children under the proposed LGR structures.
- 4.3 Details of the assumptions underpinning any assessment of deliverability, including those relating to workforce, finance, safeguarding, commissioning and governance.

- 4.4 Information about the engagement that has taken place with the Department for Education and the Home Office, and how any concerns raised by those departments have been reflected in the Government's analysis.
- 4.5 Clarification of how continuity of the National Transfer Scheme would be maintained during transition and implementation, and the contingency arrangements considered should the proposed structures prove unworkable.
- 4.6 Specifically, please also explain how the operation of the National Transfer Scheme in other areas undergoing LGR has been factored into the analysis, to ensure that we do not return to the difficulties that preceded the litigation and placed Kent and the Government in an unlawful position.

Notwithstanding my concerns and the issues raised above, I also wish to respond positively to your offer to address some of these matters. I welcome your willingness to engage openly on issues relating to unaccompanied asylum-seeking children and ask that you extend that offer to the highways and infrastructure impacts arising from border-related pressures.

Kent County Council has long been the strategic authority responsible for these matters. We have developed considerable technical and operational expertise in managing and delivering these services at scale. We therefore believe that a range of potential solutions could be implemented to mitigate or manage the implications of LGR for these critical services, although many would require support from national government.

I would like to move as quickly as possible into constructive discussions with you and your officials about the practical steps that the Government can take to ensure service continuity and protect the vulnerable children and communities who rely on these services.

Yours sincerely,

A handwritten signature in dark ink, reading "Linden Kemkaran". The signature is written in a cursive, flowing style.

Linden Kemkaran
Leader of Kent County Council