

Report to:	Leader and Lead Member Strategic Management and Economic Development
Date of meeting:	18 February 2026
By:	Chief Executive
Title:	Local Government Reorganisation: Response to questions from the Ministry of Housing, Communities and Local Government regarding the Structural Changes Order for Local Government Reorganisation in East Sussex
Purpose:	To seek Leader and Leader Member approval of the responses to the Government's questions regarding the Structural Changes Order for Local Government Reorganisation in East Sussex

RECOMMENDATION:

The Leader and Lead Member is recommended to approve the proposed responses set out in Appendix 3 to this report.

1. Background

1.1 In response to the Government's December 2024 announcement of a national programme of Local Government Reorganisation (LGR) for two-tier council areas and some existing unitary councils, and subsequent invitation for proposals, 'One East Sussex' was submitted on 26 September 2025. One East Sussex is the proposal for a single tier of local government for East Sussex as a unitary council on the current footprint of the county council, with Brighton and Hove City Council (BHCC) remaining unchanged. The proposal was developed by all six councils in East Sussex and was submitted by East Sussex County Council (ESCC), Eastbourne Borough Council, Hastings Borough Council, Lewes District Council, and Rother District Council. Wealden District Council (WDC) had worked with the other five councils on One East Sussex but at its meeting on 24 September 2025 WDC Cabinet made the decision to not submit any proposal.

1.2 When new unitaries are formed there are two routes:

- a) **The Preparing Council** model which is only available when the geography of a new unitary council matches that of one of the predecessor councils. The associated transition costs, transactional complexity, disruptions and risks are significantly lower. The One East Sussex proposal, approved by Full Council and Cabinet, is predicated on the Preparing Council model underpinned by strong agreement and determination from the proposing councils that we are creating a new unitary council. This means ESCC in its current form will not exist from 1 April 2028 (vesting day). It will transition from a county council into the new unitary council. It means district and borough council staff (about 2,500 for East Sussex), contracts, and property are transferred rather than ESCC's larger workforce, including school-based staff (about 10,000) and assets. This will minimise disruption, use fewer resources, and reduce the risks involved in moving back-office systems to a new council.
- b) **The New Council** model which is required when an existing county council is being split or amalgamated with neighbouring councils meaning the geography does not match. An example of a new council model is Surrey, where two unitary councils are being created on the footprint of Surrey County Council (SCC) to replace SCC and all district and borough councils within the county footprint.

1.3 BHCC submitted an LGR proposal for five unitary councils across the whole of the area of East Sussex, West Sussex, and Brighton and Hove. This includes a request to split existing

district council areas between the proposed new councils. ESCC's response to the Government's statutory consultation sets out numerous significant concerns about the BHCC proposal. The response was agreed by Cabinet on 16 December 2025 and was submitted on 24 December 2025.

1.4 As set out in the timeline in Appendix 1, it is expected that the Secretary of State for Housing, Communities and Local Government will announce in mid-March the decision on which proposal is to be implemented, with or without modification. Government then intends to share a draft of the Structural Changes Order (SCO) in May, lay the SCO before Parliament prior to the Summer recess, with it being issued to councils in Autumn 2026. Elections to what will become the unitary authority would follow in May 2027 to enable the transition to vesting day on 1 April 2028.

2. Structural Changes Order

2.1 The Structural Changes Order (SCO) is legislation that establishes the new single tier of local government, makes provision to abolish the predecessor councils, and sets out transitional and electoral arrangements.

2.2 The Ministry of Housing, Communities and Local Government (MHCLG) has written to councils in East Sussex and Brighton & Hove to seek views on matters that will be necessary for the Secretary of State to consider in any SCO/s. A copy of the letter is attached as Appendix 2i, with information provided by MHCLG on precedent models from authorities that have undergone LGR in previous rounds attached as Appendix 2ii. The answers to the questions included in the letter will inform the Government about our preferences for the formation of the formal governance in the period between the SCO being issued and the election in May 2027.

2.3 As the One East Sussex bid is based on the Preparing Council model, an Implementation Executive (and supporting team of officers) will be formed, which will be made up from representatives of all the constituent authorities that will make up the new unitary. The lifespan of the Implementation Executive is from when the SCO comes into force (Autumn 2026) until the elections in May 2027. Its key task will be to ensure the preparing council has strong foundations and has all it needs to make the decisions about the new council following the elections in May 2027. The Implementation Executive will discharge its functions, which will be set out in the SCO, primarily through preparation, review and revision of the Implementation Plan. Drafting and delivery of the plan is carried out by an officer implementation team. Between now and the SCO coming into force councils can make whatever arrangements suit locally and it is agreed that in East Sussex these will continue largely as per the current arrangements, given that they work well.

2.4 In order to reinforce to MHCLG the strength of support behind the One East Sussex bid, it has been agreed that the five supporting councils agree a joint response, which is attached as Appendix 3. To get to this position each council has determined its own governance route. For ESCC this has meant Group Leader discussions, consideration by the Devolution and Local Government Reorganisation Scrutiny Reference Group (views of the Reference Group are attached at Appendix 4), and finally today's Leader's decision.

2.5 Following discussions between the Leaders of the five councils supporting One East Sussex, and with Group Leaders within each council, it is proposed that to reflect the collaboration and partnership approach to LGR taken in East Sussex and the principles drawn up at the start of the process, the recommendation will be that the Implementation Executive has seven members in total; each of the Leaders from the councils that will come together to form the new council and an additional member from the County Council. This follows a more collaborative approach than in previous rounds of LGR, where membership has been at least 50 percent county council members with the addition of the Leader of the county council as Chair.

2.6 None of the five councils that support One East Sussex will be commenting on the arrangements for the implementation of the BHCC model given the significant concerns as set out in ESCC's response to the Government's statutory consultation.

2.7 As requested by MHCLG, responses have been discussed with BHCC and WDC (as they are both part of the same administrative area) at a meeting of the Chief Executives.

2.8 The SCO will include a requirement on all councils within the area of the new unitary council to co-operate and there will also be a direction under Section 24 of the Local Government and Public Involvement in Health Act 2007 about the control of disposals, contracts and reserves once the SCO comes into force.

3. Conclusion and reasons for recommendations

3.1 The Leader and Lead Member for Strategic Management and Economic Development is recommended to approve the responses set out in Appendix 3 in order that the responses to the questions asked by MHCLG in relation to the SCO can be sent.

BECKY SHAW
Chief Executive

Contact Officer: Philip Baker
Tel. No: 01273 481564

Local Members

All

Background Documents

- Letter from Minister of State for Local Government and English Devolution to East Sussex Council Leaders 5 February 2025 - [Letter: East Sussex and Brighton - GOV.UK](#)
- One East Sussex proposal submitted to government 26 September 2025 - [One East Sussex – East Sussex Councils](#)
- Representative Councils for a Devolved Sussex: A Five Unitary Proposal submitted to government by BHCC - [BHCC submission documents and supporting materials](#)