



Ministry of Housing,  
Communities &  
Local Government

# Anatomy of a structural changes order

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4 August 2025



- The legislative context – powers to make Orders
- Generic and area specific Orders
- Overview of the content of structural changes Orders (SCOs) including:
  - Geography – different models of reorganisation
  - Implementation bodies (members and officers)
  - The main transitional / implementation functions
  - Electoral arrangements
- Legislation process and what to expect
- Indicative timeline
- Questions



## Legislative context – powers

The [Local Government and Public Involvement in Health Act 2007](#) (LGPIH):

- Provides for the Secretary of State to issue invitations to councils for unitary proposals and defines the types of proposal e.g. county area, district or two or more districts in a county, or county and one or more adjoining areas (section 2).
- Gives the Secretary of State an Order-making power (section 7) to implement a proposal, with or without modification, but only after she has consulted every authority affected and any other persons she considers appropriate.
- Specifies the matters that can be included in an Order implementing a proposal (section 11 and 12), including for the structural changes themselves, including the establishment of new councils and transfer of functions, for governance arrangements and duties during the transition period, and electoral arrangements.



# Generic and area specific Orders

## Area specific Orders

- **structural changes Orders** - establish new local government arrangements in a specific area and provide for transition including initial elections: they implement a proposal with or without modifications
- **mop ups** - additional bespoke provision for named area/s e.g. HRA, Pensions, membership of external bodies

## “Generic” Orders

- transfer of property rights and liabilities
- ceremonial functions
- finance including budgeting and council tax harmonisation and close down of accounts
- staffing including the process for appointing senior staff and the application of TUPE etc.



## SCOs: the bones

- Establish a vesting date (always 1 April, typically at least a year after the SCO is made)
- Establish one or more unitary areas
- Establish a council/s for the unitary area/s
- Abolish as appropriate existing district or in some cases county areas
- Dissolve and wind up the councils of those abolished district/county areas from vesting day
- Amend the terms of office of existing councillors
- Create a vehicle to manage transition to new arrangements – a Joint Committee / Shadow Authority for a new council or an Implementation Executive for a continuing council - and provides for sub-committees and for officers drawn from all relevant areas to implement changes
- Create the main transition/implementation function
- Set out future electoral arrangements



# Geography - models of reorganisation

## New councils in a county area

- abolish county and district areas
- establish 2(+) new district areas with coterminous county areas
- wind up and dissolve all councils
- establish new council for each new district area to exercise all council functions in the area with no separate county council

e.g. Northamptonshire, Cumbria

## New councils in a county + unitary area

- A variety of potential models possible depending on starting point and new structures.

e.g. Dorset and BCP

**Continuing council** (where the geography of a new unitary matches or very closely matches that of a predecessor council (i.e. single county unitary))

- abolish district areas
- establish a new district area coterminous with county area
- wind up and dissolve district councils
- provide for county council (“continuing council”) to exercise all council functions in the area with no separate district council

e.g. North Yorkshire, Somerset



## Implementation bodies - members

In all structural change, implementation body to be representative of all the councils in the area, and reflect political balance of area

For a new councils model ...

- The SCO establishes a **Joint Committee** for each new council and defines its membership (numbers of nominees from county and districts in the area of the new council) and leader (typically one of the district council leaders).
- The Joint Committees are dissolved following the May 2027 elections to the new councils after the first meeting of the new authorities. Responsibility for implementation transfers to **the executives of the new councils**.

For a continuing county model ...

- the SCO establishes an **Implementation Executive** as a committee of the (county) council, defines its membership (number of nominees from county and districts) and leader (typically the Leader of the County).
- On the fourth day after the May 2027 elections, the Implementation Executive is disbanded and responsibility for implementation transfers to **the executive of the County Council**, who, by virtue of the election, have an electoral mandate to deliver the change.



# Implementation bodies – new councils

SCOs will provide that after the 2027 elections, new authorities, at their first meeting, shall:

- Create a leader and cabinet executive (adopting with or without modification proposals developed by the Joint Committee).
- Appoint, on an interim basis, an officer from the county or one of the districts to be an interim monitoring officer and one to be an interim chief finance officer.
- By [a specified date], appoint a monitoring officer, chief finance officer that may or may not be the interims put in place earlier, and a head of paid service.
- Put in place requirement for a scheme of members allowances to be adopted.



## Implementation bodies - officers

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- Not later than 21 days after the SCO comes into force, Implementation Executives or Joint Committees must appoint **Implementation Teams**.
- SCOs provide that team shall include officers from the county and (relevant) districts and place a duty on the councils to release staff for the purpose.
- SCOs also specify the leader of the team as an officer of the (county / a district) council.



## Implementation / transitional function

- **The main transitional function** is applied to new and continuing councils and to councils which are to be abolished

**To prepare for and facilitate the economic, effective, efficient and timely transfer of the [county/district] councils' functions, property, rights and liabilities.**

- Where **new councils** are established, the main transition function is discharged by the joint committees until after the 2027 elections, after which they become functions of the new authorities exercised by the executive of each authority.
- Where there is a **continuing council**, the main transition function is initially discharged by the Implementation Executive and transfers to the Council's executive following the 2027 elections.



## Implementation / transitional function (2)

Additional transitional functions of implementation bodies...

- To prepare, keep under review and revise **Implementation Plans** and timetables, including budgets and plans to facilitate the council's functions on or after the new arrangements are in place.
- SCOs place on the county and district councils a **duty to consult and co-operate** with each other, take any steps necessary to prepare for the transfer, and provide any information that any of those councils may reasonably request to enable the implementation.
- Functions can be delegated to sub committees or officers.

In addition, **joint committees** have duties to:

- Formulate proposals for executive arrangements to be exercised by new councils after the 2027 elections as if they were district councils with a leader and cabinet.
- Formulate proposals for a code of conduct for the new authorities.



# Electoral arrangements

- Elections to new or continuing council/s in 2027 for councils going live in 2028.
- Assume an initial 4 year term of office unless there is a good reason to vary this.
- SCOs specify the total number of councillors and warding / divisional arrangements for the initial elections (names and areas). These are based on existing warding / divisional or possibly parish boundaries.
- Note that LGBCE will undertake an electoral review ahead of subsequent elections.
- Precedent is that the new elections “replace” any scheduled elections to councils which are to be abolished. Where councils are to be abolished, the SCO amends terms of office where relevant so they coincide with the council’s abolition.
- As appropriate, timing of parish elections is moved and terms of office changed to bring them in line with the elections to the new unitary councils.
- For new councils, SCOs provided for the appointment of a Returning Officer - typically the Returning Officer for one of the district councils.



# Legislation timeline and what to expect (1)

- SCOs can take 6-9 months to make from when a decision is made to implement a proposal. The SCO must first be prepared and then taken through Parliament.

## Preparing an SCO

- The structure and drafting of SCOs is reasonably standardised for each model, but we will work with you on the bespoke elements, including:
  - ensuring all existing and new area and council names are correctly specified
  - Joint committee / Implementation Executive and Implementation Team membership and leadership
  - electoral arrangements: numbers and warding / divisional arrangements, parish elections, appointment of ROs, etc
- Once the policy is agreed and the SCO drafted, there are a series of internal legal checks – these can take several weeks, after which the draft SCO is sent to the Legal Advisors to the Joint Committee on Statutory Instruments (JCSI) for review before it is laid in Parliament.



# Legislation process and what to expect (2)

## Parliamentary Process

- SCOs are subject to the “affirmative” procedure i.e. they must be approved in both Houses before they can be made and come into force.
- The process takes 6-8 sitting weeks and comprises:
  - Consideration by the JCSI
  - Consideration by the Secondary Legislation Scrutiny Committee
  - Commons Debate
  - Lords Debate
  - Commons Approval Motion
  - Lords Approval Motion
- When both Houses have approved the SCO, the minister signs it and it comes into force.



## Indicative timeline

	<b>DPP Areas</b>	<b>Other areas</b>
Proposals submitted	end September 2025	end November 2025
Consultation opens	November 2025	early/spring 2026
Consultation closes	early 2026	after May 2026 elections
Decision announced	by March 2026	by summer recess 2026
Legislation laid in Parliament	by summer recess	autumn 2026
Legislation made*	autumn 2026	late 2026 / early 2027
Elections to new unitary councils	6 May 2027	6 May 2027
New arrangements go live	1 April 2028	1 April 2028

\* subject to Parliamentary approval.



**Ok, we're done ...**

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**Any questions?**