

**CABINET – 8 SEPTEMBER 2026****LOCAL GOVERNMENT REORGANISATION: GOVERNMENT
REVIEW AND PROPOSED PRE-ACTION PROTOCOL LETTER****URGENT REPORT OF THE CHIEF EXECUTIVE, THE DIRECTOR OF
CORPORATE RESOURCES AND THE CHIEF LEGAL OFFICER AND
MONITORING OFFICER****PART A****Purpose of the Report**

1. The purpose of this report is to advise the Cabinet of a material change of circumstances arising since publication of the supplementary report concerning the proposed sending of a letter to the Secretary of State under the Pre-Action Protocol for Judicial Review.
2. On 7 September 2026, the Minister for Local Government, Devolution and Regional Growth wrote to council leaders in Leicester, Leicestershire and Rutland confirming that the Government is undertaking a review of the Local Government Reorganisation programme. The Minister confirmed that the review will include the 14 decisions made in July 2026, including the decision affecting Leicester, Leicestershire and Rutland, and asked councils and their partners to cease work on implementing those decisions until the review has concluded.
3. The Minister's letter confirms that the July 2026 decision affecting Leicester, Leicestershire and Rutland will be reviewed and that implementation work should cease. However, it does not confirm that the existing decision will be treated as having no effect or that any decision concerning local government reorganisation in Leicester, Leicestershire and Rutland following the review will be made afresh. Written confirmation is therefore required on those matters before the Council can determine whether there remains any present need to challenge the existing decision.

Recommendations

4. The Cabinet is recommended to:
 - a) Note the letter dated 7 September 2026 from the Minister for Local Government, Devolution and Regional Growth confirming that the Government is undertaking a review of the Local Government Reorganisation programme, that the review will include the 14 decisions

made in July 2026, and that councils and their partners have been asked to cease work on implementing those decisions until the review has concluded;

- b) Note that the Government's review and the Minister's request that implementation work should cease represent a material change of circumstances since publication of the supplementary report;
- c) Defer consideration of the recommendations contained in the supplementary report relating to the preparation and sending of a letter to the Secretary of State under the Pre-Action Protocol for Judicial Review;
- d) Agree that the proposed pre-action protocol letter should not be sent at this stage, pending receipt of the written confirmation referred to in paragraph (e) below and consideration of further legal advice;
- e) Authorise the Chief Legal Officer and Monitoring Officer, following consultation with the Chief Executive and the Leader of the Council, to write to the Ministry of Housing, Communities and Local Government seeking written confirmation that:
 - i. the existing decision affecting local government reorganisation in Leicester, Leicestershire and Rutland will be treated as having no effect; and
 - ii. any decision concerning local government reorganisation in Leicester, Leicestershire and Rutland will be made afresh following completion of the Government's review;
- f) Agree that the Ministry's response should be considered in the light of further legal advice and that, if satisfactory confirmation is received on those matters and that advice does not indicate otherwise, there would be no present need to challenge the existing decision; and
- g) Agree that, if the Ministry has not provided a response to the urgent queries referred to in paragraph 4 e) above within seven days of the letter being sent, or if any response received does not provide satisfactory confirmation of the position, the Chief Executive, following consultation with the Leader of the Council and the Chief Legal Officer and Monitoring Officer, and having regard to up-to-date legal advice, be authorised to finalise and send a letter to the Secretary of State under the Pre-Action Protocol for Judicial Review on behalf of the Council, noting that this authority does not extend to the commencement of judicial review proceedings, which would require a separate decision under the Council's constitutional arrangements.

(KEY DECISION)

Reasons for Recommendation

5. The supplementary report was prepared before receipt of the Minister's letter dated 7 September 2026 confirming that the Government's review will include the 14 local government reorganisation decisions made in July 2026 and asking

councils and their partners to cease work on implementing those decisions until the review has concluded.

6. The proposed pre-action protocol letter was intended to raise the Council's concerns about the Government's decision-making process and to seek further information and clarification about the reasoning, evidence and process underlying the decision.
7. The Minister's confirmation that the July 2026 decisions will be reviewed and that implementation work should cease until the review has concluded materially changes the circumstances in which the Cabinet is being asked to consider sending the proposed pre-action protocol letter.
8. The Minister's letter confirms that the July 2026 decision affecting Leicester, Leicestershire and Rutland will be included in the review and that implementation work should cease. It does not, however, confirm that the existing decision will be treated as having no effect or that any decision following the review will be made afresh. Nor does it provide a timetable for completion of the review.
9. Work on the proposed pre-action protocol letter has therefore been paused. The Minister's letter distinguishes between the four decisions made in March 2026, which the Secretary of State has withdrawn following updated legal advice, and the 14 decisions made in July 2026, which are to be reviewed. The decision affecting Leicester, Leicestershire and Rutland is one of the July decisions and has not been expressly withdrawn.
10. It is therefore proposed that the Council should seek written confirmation that the existing decision will be treated as having no effect and that any decision affecting Leicester, Leicestershire and Rutland following the review will be made afresh. If satisfactory confirmation is received, and subject to further legal advice, there would be no present need to challenge the existing decision.
11. In these circumstances, it would not be appropriate for Cabinet to approve the preparation and sending of the proposed pre-action protocol letter in its current form. Deferral, coupled with authority to seek written confirmation from the Ministry, will allow the Council to determine whether there remains any need to challenge the existing decision.
12. Deferral does not amount to the withdrawal or abandonment of the Council's concerns about the Government's previous decision-making process. The Council's position will remain reserved pending receipt of satisfactory written confirmation from the Ministry and consideration of further legal advice. If that confirmation is not received or does not adequately address the status and effect of the existing decision, the Council will remain able to consider whether further action is necessary.

Timetable for Decisions (including Scrutiny)

13. Judicial review proceedings must be commenced promptly and within the applicable legal time limit. Neither the Minister's letter, the Government's review nor the cessation of implementation work should be assumed to suspend or extend any applicable time limit. The Council will therefore seek the Ministry's response as a matter of urgency and will consider that response promptly in the light of further legal advice.
14. If satisfactory confirmation is not received, urgent consideration will be given to whether a pre-action protocol letter or other action is required to protect the Council's position.

Policy Framework and Previous Decisions

15. The relevant previous decisions are set out in the supplementary report already circulated. In particular, at its meeting on 6 August 2026 the County Council resolved that legal advice should be sought on the lawfulness and robustness of the Government's decision-making process and, subject to that advice, that consideration should be given to what further steps, including any available legal remedies, might be appropriate if reasonable grounds were identified.
16. The recommendations in this report are consistent with that resolution. They defer the proposed pre-action protocol letter in light of the material change of circumstances while reserving the Council's position and seeking clarification necessary to determine whether further action remains appropriate.

Resource Implications

17. Deferring the proposed decision will avoid further expenditure on completing the pre-action protocol letter while clarification is sought from the Ministry and the implications of the Government's review are considered. The Minister's letter states that ceasing implementation work will reduce the risk of nugatory work if the Government decides to change course following the review.
18. There may be resource implications arising from ceasing implementation work, corresponding with the Ministry, considering its response, responding to the Government's review, obtaining further legal advice and any subsequent decision. These will be managed in accordance with the Council's existing financial and decision-making arrangements.

Circulation under the Local Issues Alert Procedure

19. This report will be circulated to all members.

Officer(s) to Contact

Jane Moore
Chief Executive
Tel: 0116 305 6000
Email: jane.moore@leics.gov.uk

Declan Keegan
Director of Corporate Resources
Tel: 0116 305 7668
Email: declan.keegan@leics.gov.uk

Fiona McMillan
Chief Legal Officer and Monitoring Officer
Tel: 0116 305 6240
Email: fiona.mcmillan@leics.gov.uk

PART B

Background

20. On 16 July 2026, the Secretary of State announced the Government's decision to proceed with the two-unitary proposal submitted by Leicester City Council, subject to the modifications identified in that decision.
21. At its meeting on 6 August 2026, the County Council expressed serious concern about the Government's decision. It resolved that legal advice should be sought on the lawfulness and robustness of the Government's decision-making process and that, subject to that advice, consideration should be given to what further steps, including any available legal remedies, might be appropriate if reasonable grounds were identified.
22. The supplementary report published for this meeting invited the Cabinet to consider whether the Council should send a letter to the Secretary of State under the Pre-Action Protocol for Judicial Review. The proposed letter would seek further information and clarification about the reasoning, evidence and process underlying the Government's decision.
23. On 7 September 2026, the Minister for Local Government, Devolution and Regional Growth wrote to council leaders in Leicester, Leicestershire and Rutland confirming that the Government is undertaking a review of the Local Government Reorganisation programme. The letter confirms that the review will include the 14 decisions made in July 2026, including the decision affecting Leicester, Leicestershire and Rutland.
24. The Minister's letter explains that the Government has listened to representations about the approach and pace of reorganisation, both in relation to the specific decisions announced in March and July 2026 and the scale and pace of the programme more broadly. It states that the Government considers that it is appropriate to pause and reflect and that the process should be undertaken correctly and robustly.
25. The letter confirms that the Secretary of State has withdrawn the decisions made in March 2026 for Essex, Southend-on-Sea and Thurrock; Hampshire, the Isle of Wight, Portsmouth and Southampton; Norfolk; and Suffolk. By contrast, the letter states that the 14 decisions made in July 2026 will be reviewed.
26. The Minister has asked councils and their partners to cease work on implementing the July 2026 decisions until the review has concluded. The letter also confirms that elections scheduled for May 2027 will proceed on existing council boundaries.
27. The Minister's letter was received after publication of the supplementary report and represents a material change to the factual circumstances upon which its recommendations were based. Although the letter confirms that the LLR decision will be reviewed and that implementation work should cease, it does

not confirm that the decision will be treated as having no effect or that any decision following the review will be made afresh.

Effect on the Published Supplementary Report

28. The supplementary report states that sending a pre-action protocol letter would not suspend or delay the Government's decision or the ongoing local government reorganisation process. It also states that officers would continue to work on the necessary transitional and implementation arrangements.
29. Those passages have been overtaken by the Minister's request that councils and their partners cease work on implementing the July 2026 decisions until the review has concluded.
30. The Minister's letter confirms that the existing decision affecting Leicester, Leicestershire and Rutland will be included in the review, but it does not confirm that the decision will be treated as having no effect, that any decision following the review will be made afresh, or the extent to which the review will address the concerns that the proposed pre-action protocol letter was intended to raise.
31. It is therefore recommended that the decision sought in the supplementary report should be deferred and that authority should instead be given to write to the Ministry seeking the necessary written confirmation about the effect of the existing decision and the basis on which any future decision will be made.

Further Legal Considerations

32. The Council has obtained confidential and legally privileged advice concerning the Government's decision-making process and the possible steps available to the Council. The content of that advice is not set out or summarised in this public update in order to preserve legal professional privilege.
33. Further legal advice will be required as additional details of the Government's review become available and following receipt of the Ministry's response. This will include consideration of:
 - a) whether the existing decision affecting Leicester, Leicestershire and Rutland will be treated as having no effect;
 - b) whether any decision concerning local government reorganisation in Leicester, Leicestershire and Rutland following the review will be made afresh;
 - c) the scope, process and anticipated timetable for the review;
 - d) whether the review addresses, or is capable of addressing, the concerns previously identified by the Council;
 - e) the implications for any applicable judicial review time limit; and
 - f) whether any procedural or other step is required to protect the Council's position while the review is being undertaken.
34. The Minister's letter does not confirm that the existing decision will be treated as having no effect or that any decision concerning local government reorganisation in Leicester, Leicestershire and Rutland following the review will be made afresh.

It confirms that the July 2026 decision will be reviewed and that implementation work should cease, but it does not state that the decision has been withdrawn.

35. The proposed correspondence with the Ministry will seek written confirmation that the existing decision will be treated as having no effect and that any decision affecting Leicester, Leicestershire and Rutland following the review will be made afresh. The correspondence will not constitute a letter under the Pre-Action Protocol for Judicial Review.
36. If satisfactory confirmation is received, and subject to consideration of further legal advice, there would be no present need to challenge the existing decision. If satisfactory confirmation is not received, urgent consideration will be given to whether the proposed pre-action protocol letter or another step is required to protect the Council's position.
37. Judicial review proceedings are required to be commenced promptly and within the applicable legal time limit. Neither the Minister's letter, the Government's review nor the cessation of implementation work should be assumed to suspend or extend any applicable time limit. The Ministry's response will therefore need to be considered promptly in the light of further legal advice when determining whether any further step is required to protect the Council's position.
38. No decision is sought through this update to commence judicial review proceedings. Any such decision would require separate consideration in light of the Government's review, the information then available and up-to-date legal advice.

Continuing Responsibilities

39. The Minister has asked councils and their partners to cease work on implementing the July 2026 decisions until the review has concluded. Officers will therefore review the work currently being undertaken in relation to local government reorganisation in Leicester, Leicestershire and Rutland and take the necessary steps to give effect to that request.
40. Officers will seek clarification from the Ministry about the scope and practical implications of the request to cease implementation work, including whether the Government considers that any particular activity should continue while the review is under way.
41. Subject to Cabinet approval, the Chief Legal Officer and Monitoring Officer will write to the Ministry seeking written confirmation that the existing decision affecting Leicester, Leicestershire and Rutland will be treated as having no effect and that any decision following the review will be made afresh.
42. The Council will continue to discharge its statutory responsibilities and take such proportionate steps as are necessary to protect residents and service users, support staff, maintain the continuity of essential services and safeguard the Council's interests.

Conclusion

43. The Minister's letter dated 7 September 2026, confirming that the July 2026 decisions will be reviewed and asking councils and their partners to cease implementation work until the review has concluded, represents a material change of circumstances since publication of the supplementary report.
44. It is therefore recommended that Cabinet defers the decision on whether the Council should send the proposed pre-action protocol letter and authorises officers to seek written confirmation from the Ministry that the existing decision will be treated as having no effect and that any decision concerning local government reorganisation in Leicester, Leicestershire and Rutland following the review will be made afresh.
45. The recommended deferral does not amount to an abandonment of the Council's concerns. If satisfactory written confirmation is received, and subject to consideration of further legal advice, there would be no present need to challenge the existing decision. If satisfactory confirmation is not received, the Council's position will remain reserved and urgent consideration will be given to whether further action is required. The matter will be reported back to Cabinet if a further substantive decision is required.

Equality Implications

46. There are no direct equality implications arising from the recommendation to defer the decision concerning the proposed pre-action protocol letter.
47. The wider equality implications of local government reorganisation will continue to be considered as part of the Council's strategic approach to equality impact assessment.

Human Rights Implications

48. There are no direct human rights implications arising from the recommendations in this report.

Background Papers

Letter from the Minister for Local Government, Devolution and Regional Growth to leaders in Leicester, Leicestershire and Rutland, dated 7 September 2026.

<https://www.gov.uk/government/publications/local-government-reorganisation-programme-review-and-decisions-withdrawal-letter-to-council-leaders>

Report to the Cabinet on 21 July 2026 and minutes of that meeting.

<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=8309>

Report to the County Council on 6 August 2026 and minutes of that meeting.

<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=134&MId=8684>

Appendix

Letter dated 7 September 2026 from the Minister for Local Government, Devolution and Regional Growth to leaders in Leicester, Leicestershire and Rutland.

This page is intentionally left blank