EXPLANATORY MEMORANDUM TO

THE HAMPSHIRE AND THE SOLENT COMBINED COUNTY AUTHORITY REGULATIONS 2026

2026 No. [XXXX]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments

2. Declaration

2.1 Miatta Fahnbulleh, Parliamentary Under-Secretary of State for Devolution, Faith and Communities at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Tim Bowden, Deputy Director for English Devolution, Oversight and Governance, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Officials at the Ministry of Housing, Communities and Local Government can be contacted with any queries regarding the instrument via NewDevoDeals@communities.gov.uk and telephone: 0303 444 0000

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 These Regulations provide for the establishment, including governance arrangements, of the Hampshire and the Solent Combined County Authority ('HSCCA') comprising of the four upper tier local authorities in Hampshire and the Solent: Hampshire County Council; Isle of Wight Council; Southampton City Council; and Portsmouth City Council. These Regulations provide for a directly elected mayor for HSCCA, for certain functions of local and public authorities to be conferred on HSCCA, and for certain specified functions of HSCCA to be exercisable only by the mayor.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England only.

5. Policy Context

What is being done and why?

5.1 The Government is committed to transferring power out of Westminster and into the hands of those who know their areas best. Devolution means that key decisions about transport, strategic planning and housing, adult skills and employment support, and economic regeneration will be made locally by local leaders who understand local needs and priorities and are answerable to local voters.

What was the previous policy, how is this different?

5.2 In July 2024, the Government invited areas without devolution arrangements to put forward proposals for how they would like to take on devolution in their area. Following the publication of the English Devolution White Paper on 16 December 2024, these areas had the opportunity to apply to join the government's Devolution Priority Programme. This Programme was aimed at providing a fast-track to creating mayoral combined authorities or combined county authorities. The local council leaders from Hampshire County Council, Isle of Wight Council, Southampton City Council and Portsmouth City Council applied to join the Devolution Priority Programme to establish a mayoral combined county authority over these council areas. The geographical area of HSCCA will be made up of the areas of Hampshire County Council, Isle of Wight Council, Southampton City Council and Portsmouth City Council. The constituent councils have consented to the making of the Regulations.

5.3 Following public consultation, the Minister for Local Government and Devolution considered that the statutory tests for establishing a combined county authority (CCA) had been met and decided to make these Regulations establishing the HSCCA.

5.4 The purpose of the proposed Regulations is to establish HSCCA and provide for the election of a mayor for the area. The Regulations confer an initial set of local and public authority functions to HSCCA in anticipation of a further standardised set of functions being conferred to HSCCA and the mayor via the English Devolution and Community Empowerment Bill (EDCEB) when it comes into force, subject to parliamentary approval and Royal Assent.

5.5 The Regulations also establish the office of the HSCCA mayor, with the first mayoral elections scheduled to take place on 4 May 2028. Certain functions are to be exercisable only by the mayor, and others by the HSCCA (which is chaired by the mayor). This is in accordance with provisions in the Levelling-up and Regeneration Act 2023 ("the 2023 Act"). The 2023 Act allows for the creation of Combined County Authorities (CCAs), for CCA areas to agree to the establishment of a CCA, the election of a mayor and for functions within the CCA area to be exercised by the mayor.

5.6 The new CCA will be the first such institution for the Hampshire and the Solent geography and will be the body to which functions and funding will be devolved from central government. These Regulations establish a new combined county authority for the Hampshire and the Solent, led by an elected mayor. The purpose of the Regulations is to establish HSCCA and its governance arrangements and confer certain functions so that HSCCA can operate effectively as soon as it is established.

5.7 Most of the provisions of the Regulations will come into force on the day after the day on which the Regulations are made. Mayoral functions will come into force the day

the mayor assumes office i.e. 4 May 2028 (this date being the first Monday after the 2028 mayoral elections).

5.8 Responsibility for the vast majority of day-to-day public service delivery will remain with the constituent councils, for example social care and refuse collection. There may be a small element of service delivery taken forward at CCA level, such as subsidised transport (e.g. local bus services that are currently subsidised by the councils).

Part 2 Establishment of the Combined County Authority

5.9 Part 2 of the Regulations provides for the establishment of the CCA and defines where its functions are derived from. It also modifies the CCA's financial reporting requirements until the end of March 2027.

Part 3 Election of mayor

5.10 Part 3 of the Regulations provides for the election of a mayor and the appointment of a political adviser.

Part 4 Transport

5.11 Part 4 of the Regulations confers powers and functions for local transport planning. HSCCA will take on the local transport plan powers and functions currently held by the constituent councils, allowing for progressively stronger alignment between strategic spatial, economic and transport planning functions, ultimately delivering better outcomes for people and places. These powers and functions include the responsibility to develop and implement a Local Transport Plan. HSCCA will have powers to pay grants to constituent councils.

5.12 These functions will be held concurrently by HSCCA and the constituent councils until the Mayor takes office. This provides flexibility for HSCCA to continue existing functions and services and choose the appropriate time to transfer these functions from constituent councils to the new CCA, rather than having to transfer them immediately. This will enable the new CCA to exercise these functions effectively in step with its development of capacity and capability. Once the mayor takes office, functions related to the Local Transport Plan and power to pay grant will become exercisable only by the mayor under Part 5.

5.13 Isle of Wight Council is the sole owner of the Cowes Floating Bridge. To support the operations of this body, the functions related to public transport companies (Section 63) under the Transport Act 1985 will be held concurrently by HSCCA and constituent councils.

Part 5 Mayoral Functions

5.14 Part 5 of the Regulations specifies those functions that are exercisable only by the mayor and provides that the members and officers of HSCCA may assist the mayor in the exercise of general functions. This Part only comes into force once the mayor has been elected.

Part 6 Funding

5.15 Part 6 provides that the constituent councils must ensure that the costs of HSCCA that are reasonably attributable to the exercise of its functions are met.

5.16 Constituent councils will also be required to meet the costs of expenditure reasonably incurred by the mayor in relation to mayoral functions, where the mayor has not decided to meet those costs from other resources available to HSCCA. Total

expenditure related to mayoral functions to be met by constituent councils must be agreed by HSCCA in advance, and expenditure cannot be incurred which has not been previously agreed. The mayor may also issue a precept which must be taken into account when calculating the contributions to be made by the constituent councils.

5.17 The amount payable by each constituent council to ensure the costs of HSCCA and expenditure reasonably incurred by the mayor are met will be determined by apportioning costs between them in agreed proportions or, if agreement cannot be reached, in proportion of the total resident population of each constituent council.

Part 7 Additional Functions

5.18 The Regulations provide for the conferral of data sharing functions on the HSCCA. These functions are exercisable concurrently with the constituent councils. This Part also contains incidental provisions relating to employee pensions, general power of competence for the purpose of economic development and other operational functions.

Schedule

5.19 The Schedule sets out the constitution of the HSCCA. It sets out the membership, voting arrangements, and arrangements for payment of allowances and pensions for the members of the CCA.

6. Legislative and Legal Context

How has the law changed?

6.1 The Regulations use powers in the 2023 Act to establish HSCCA. Section 9 of the 2023 Act provides for the establishment for a CCA for an area that is wholly within England and consists of at least one two-tier county council and another upper tier local authority, such as a unitary authority. CCAs are "bodies corporate" which may be given powers to exercise specified functions of a local authority, and powers to exercise specified functions of any other public authority.

Why was this approach taken to change the law?

6.2 Prior to the 2023 Act coming into force, the concept of a CCA did not exist in law, and it was not possible to establish one. The 2023 Act provides for the establishment of a CCA and is the appropriate legislative route to achieve the new devolution arrangements outlined in sections 5.1 and 5.2.

7. Consultation

Summary of consultation outcome and methodology

7.1 Section 46(3) of the 2023 Act requires the Secretary of State to carry out a public consultation before making regulations establishing a CCA and its functions.

7.2 Section 46 of the 2023 Act also provides that the Secretary of State may make regulations to establish a CCA only if:

- the Secretary of State considers that doing so is likely to improve the economic, social and environmental well-being of some or all of the people who live and work in the area;
- the Secretary of State considers that doing so is appropriate having regard to the need to secure effective and convenient local government; and to reflect the identities and interests of the local communities; and

- the constituent councils consent.

7.3 The Ministry of Housing, Communities and Local Government (MHCLG) ran an eight-week consultation. The consultation methods utilised by MHCLG included an online survey on the creation of the HSCCA, with options for participants to respond in writing, by email and post. A range of engagement activity was undertaken by MHCLG, including: an in-person event in Portsmouth, stakeholder run events attended by officials, a ministerial visit and dissemination of physical assets such as posters and flyers, to provide information on the consultation.

7.4 In total, 6,164 responses were received from individuals and organisations. The consultation summary was published on GOV.UK on 17 July 2025[1].

7.5 The Secretary of State has reviewed the responses to the consultation and considers that the statutory tests outlined in section 7.2 have been met[2].

8. Applicable Guidance

8.1 This Instrument does not require or implement any guidance.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because there is no, or no significant, impact on businesses, charities and voluntary bodies.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because these Regulations do not relate to legislation governing the establishment or running of businesses, charities or voluntary bodies and does not impose any requirements on these organisations.

9.3 The legislation does not impact small or micro businesses.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring of this legislation is the accountability system described in the English Devolution Accountability Framework[3] . This system requires local authorities to put in place mechanisms to ensure that local leaders and institutions are transparent and accountable, work closely with local businesses, seek the best value for taxpayers' money, and maintain strong ethical standards.

[1] https://www.gov.uk/government/consultations/hampshire-and-the-solent-devolution/outcome/hampshire-and-the-solent-devolution-consultation-response
[2] https://questions-statements.parliament.uk/written-statements/detail/2025-07-17/hcws848
[3] https://www.gov.uk/government/publications/english-devolution-accountability-framework

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 Section 20(6) of the 2023 Act provides that, at the same time as laying a draft of a statutory instrument containing regulations under section 19(1) of the 2023 Act before Parliament, the Secretary of State must also lay a report explaining the effect of these Regulations, and why the Secretary of State considers it appropriate to make the regulations. That report is published alongside this memorandum.

11.2 Parliament is being asked to approve these Regulations in draft while the English Devolution and Community Empowerment Bill (EDCEB) is being considered by Parliament. These Regulations may be made either before or after that consideration has concluded and Royal Assent granted. The Regulations can be made in either case:

- As currently drafted, the EDCEB would amend the powers in Chapter 1 of Part 2 of the 2023 Act under which the Secretary of State would make these Regulations. However, if the EDCEB has received Royal Assent, the Secretary of State would make these Regulations under the 2023 Act powers, but with the amendments made by the EDCEB to those powers disapplied. To enable this, the Government would use powers in the EDCEB to make appropriate transitional and saving provision.
- However, if the EDCEB has not received Royal Assent, then the Secretary of State would make these Regulations under the existing powers in the 2023 Act, without relying on any transitional and saving provision.

11.3 There are no other matters of special interest to Parliament.

12. European Convention on Human Rights

12.1 Miatta Fahnbulleh, Parliamentary Under Secretary of State for Devolution, Faith and Communities has made the following statement regarding Human Rights: “In my view the provisions of the Hampshire and the Solent Combined County Authority Regulations 2026 are compatible with the Convention rights.”

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023.