EXPLANATORY MEMORANDUM TO

THE LOCAL AUTHORITIES (CHANGES TO YEARS OF ORDINARY ELECTIONS) (ENGLAND) ORDER 2026

2026 No. 96

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.

2. Declaration

2.1 Alison McGovern MP, Minister of State for Local Government and Homelessness at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Ruth Miller, Deputy Director for Local Government Reorganisation at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Local Government Reorganisation team at the Ministry of Housing, Communities and Local Government can be contacted with any queries regarding the instrument: LGReorganisation@communities.gov.uk

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 The instrument postpones the May 2026 elections for specified local authorities in England to May 2027.

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.

5. Policy Context

What is being done and why?

5.1 The English Devolution White Paper ('the White Paper')[1], published on 16 December 2024, set out the Government's intention to deliver on its manifesto pledge to transfer power out of Westminster through devolution and to fix the foundations of local government. The White Paper also set out the Government's intention to "…facilitate a programme of local government reorganisation for two-tier areas and for those

[1] https://www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper

unitary councils where there is evidence of failure or where their size or boundaries may be hindering their ability to deliver sustainable and high-quality services for their residents." It went on to say that "It is vital that new unitary councils get off to a good start, so we will work closely with local leaders to explore what support they might need to develop robust proposals and implement new structures, including taking decisions to postpone local elections where this will help to smooth the transition process."

5.2 On 5 February 2025, the Government issued statutory invitations[2] to councils in all two-tier areas in England and neighbouring smaller unitary councils to prepare proposals for local government reorganisation. The deadlines for submission reflected whether or not an area was included in the Devolution Priority Programme[3] and was among the nine councils whose May 2025 elections were postponed for one year where this was judged essential to the delivery of both devolution and reorganisation. Proposals were due to be submitted as follows:

- 9 May 2025 – Surrey.
- 26 September 2025 – The six priority devolution areas ("tranche 2"): East Sussex and Brighton and Hove; Essex, Southend-on-Sea and Thurrock; Hampshire, Isle of Wight, Portsmouth and Southampton; Norfolk; Suffolk; and West Sussex.
- 28 November 2025 – The remaining 14 reorganisation areas ("tranche 3"): Cambridgeshire and Peterborough; Derbyshire and Derby; Devon, Plymouth and Torbay; Gloucestershire; Hertfordshire; Kent and Medway; Lancashire, Blackpool and Blackburn with Darwen; Leicestershire, Leicester and Rutland; Lincolnshire, North Lincolnshire and North East Lincolnshire; Nottinghamshire and Nottingham; Oxfordshire; Staffordshire and Stoke-on-Trent; Warwickshire and Worcestershire.

5.3 Proposals have now been received from every area:

- On 28 October 2025, following a statutory consultation on the two proposals received for Surrey, the Minister of State for Local Government and Homelessness announced that the Secretary of State intends to take forward the proposal for two new unitary councils for the area[4]. Legislation to implement the proposal is before Parliament[5].
- On 19 November 2025 the Minister announced statutory consultations on the tranche 2 area proposals[6]. The consultations closed on 11 January 2026, and the Secretary of State is now considering which, if any, proposal to take forward for each area with a view to announcing his decision in March 2026.
- On 18 December 2025 the Minister announced that the statutory consultations on tranche 3 proposals[7] were expected to begin in February 2026 and last for seven weeks, with decisions to follow in the summer.

[2] Links to key statements and updates on local government reorganisation are collated here: https://www.gov.uk/government/collections/local-government-reorganisation-policy-and-programme-updates
[3] Details of the Devolution Priority Programme announced on 5 February 2025 are at: https://www.gov.uk/government/news/devolution-revolution-six-areas-to-elect-mayors-for-first-time
[4] https://questions-statements.parliament.uk/written-statements/detail/2025-10-28/hcws998
[5] The Surrey (Structural Changes) Order 2026: https://www.legislation.gov.uk/ukdsi/2026/9780348278507/contents
[6] https://questions-statements.parliament.uk/written-statements/detail/2025-11-19/hcws1071
[7] https://questions-statements.parliament.uk/written-statements/detail/2025-12-18/hcws1215

5.4 On 18 December 2025, the Minister also announced[8] that she had written[9] to leaders of councils with elections in May 2026 in areas where proposals for reorganisation had been submitted and the Government had not yet taken decisions on those proposals. The letter explained that:

"We have listened to councils telling us about the constraints they are operating within, and the work that reorganisation introduces on top of existing challenges. Now that we have received all proposals, it is only right that we listen to councils who are expressing concerns about their capacity to deliver a smooth and safe transition to new councils, alongside running resource-intensive elections to councils who may be shortly abolished. We have also received representations from councils concerned about the cost to taxpayers of holding elections to councils that are proposed to shortly be abolished.

"Previous governments have postponed local elections in areas contemplating and undergoing local government reorganisation to allow councils to focus their time and energy on the process. We have now received requests from multiple councils to postpone their local elections in May 2026."

5.5 Recognising that capacity will vary between councils and that councils are therefore in the best position to judge the impact of potential postponements, the Minister therefore invited councils to set out their views on the postponement of their local elections and if they considered that this could release essential capacity to deliver local government reorganisation in their areas and so allow reorganisation to progress effectively.

5.6 The letter set out that the Secretary of State had adopted a locally-led approach. It specified that the Secretary of State was clear that, should a council say they have no reason for postponement, then he would listen. But if genuine concerns about capacity were voiced, these would be taken seriously. To that end, the Secretary of State was only minded to make an order to postpone elections for one year for those councils who raised capacity concerns in their representations. The Secretary of State was aware of the risk that councils may seek to postpone elections for political reasons, so the process was designed to be transparent and robust to minimise that risk.

5.7 The list of the 63 affected councils was appended to the Minister's letter. The deadline for responses was 15 January 2026.

5.8 Around 350 representations were received from councils, councillors, town and parish councils, members of the public, MPs, the Electoral Commission and sector bodies.

5.9 Of the 63 councils, all except three (Gosport Borough Council, Plymouth City Council and West Oxfordshire District Council) submitted representations. Further letters[10] were sent by the Secretary of State to four councils (Essex County Council, Norfolk County Council, Oxford City Council and Southampton City Council) on 19 January following the deadline to seek clarity as to the council's position.

[8] Oral statement: https://hansard.parliament.uk/commons/2025-12-18/debates/4F80CDF3-B826-4BD5-841E-C719F4F718B0/LocalGovernmentReorganisation
Written statement: https://questions-statements.parliament.uk/written-statements/detail/2025-12-18/hcws1215
[9] https://www.gov.uk/government/publications/local-government-reorganisation-letter-to-council-leaders-with-elections-in-may-2026
[10] https://www.gov.uk/government/publications/local-government-reorganisation-further-letter-to-council-leaders-with-elections-in-may-2026

5.10 Of the 63 councils, the Secretary of State considered that 30 requested their elections take place, 31 requested their elections were postponed, and two made unclear requests:

- 30 councils sought for their elections to proceed (including the three councils which did not submit any representations): Basingstoke and Deane Borough Council, Brentwood Borough Council, Broxbourne Borough Council, Cambridge City Council, Cherwell District Council, Colchester City Council, Eastleigh Borough Council, Epping Forest District Council, Gosport Borough Council, Hampshire County Council, Hart District Council, Havant Borough Council, Huntingdonshire District Council, Isle of Wight Council, Newcastle-under-Lyme Borough Council, North East Lincolnshire Council, Oxford City Council, Plymouth City Council, Portsmouth City Council, Rochford District Council, Rushmoor Borough Council, Three Rivers District Council, Tunbridge Wells Borough Council, Southend-on-Sea City Council, South Cambridgeshire District Council, St Albans City and District Council, Fareham Borough Council, Watford Borough Council (which is also due to hold an election for its council mayor), West Oxfordshire District Council and Winchester City Council.
- 31 councils sought postponement of their elections. For 23 of these councils, representation included a single clear request for postponement from the council. These councils are: Blackburn with Darwen Council, Burnley Borough Council, Cannock Chase District Council, Cheltenham Borough Council, Chorley Borough Council, East Sussex County Council, Harlow District Council, Hastings Borough Council, Hyndburn Borough Council, Ipswich Borough Council, Norfolk County Council, Norwich City Council, Pendle Borough Council, Peterborough City Council, Preston City Council, Redditch Borough Council, Stevenage Borough Council, Suffolk County Council, Tamworth Borough Council, Thurrock Council, Welwyn Hatfield Borough Council, West Sussex County Council and Worthing Borough Council. In eight, alternative representations were received from within the council alongside a request for postponement. These councils are: Adur District Council, Basildon Borough Council, City of Lincoln Council, Crawley Borough Council, Exeter City Council, Rugby Borough Council, Nuneaton and Bedworth Borough Council and West Lancashire Borough Council.
- Two councils made representations without a clear request either way: Essex County Council and Southampton City Council.

5.11 Each council's representations, including additional responses from the four councils written to on 19 January 2026, were carefully considered in the context of the Minister's invitation to set out views on the postponement of the local election and whether it was considered that this could release essential capacity to deliver local government reorganisation and so allow reorganisation to progress effectively. The Secretary of State also took into account whether concerns relating to democracy were raised and wider representations and evidence received on the issue of postponement, including from other councils, town and parish councils, parliamentarians, stakeholder bodies including the Electoral Commission and members of the public (see section 7 for a summary of representations).

5.12 'Capacity' does not refer solely to councils' democratic services team resource required to plan and run an election. This resource must be planned and budgeted for as the running of elections, and any by-elections, is a statutory duty. The Government would anticipate some benefit from releasing this resource, and from the direct cost-

savings. However, the burden on councils of running elections is primarily felt at the political and senior officer levels. The ordinary functioning of a council, in particular its decision-making and scrutiny processes, is halted for the period of the election until the council is reconstituted following the election. Councillors' energies and attention are focused on electioneering. Councils routinely publish notice of election around a week before the deadline for doing so (30 March in 2026), and it can take several weeks for a new council to be up and running following an election, particularly where there is no overall control and negotiations are required to agree practical arrangements between political parties and groupings and to appoint councillors to roles. This can lead to a significant hiatus in effective functioning of at least seven or eight weeks. The pre-election period of sensitivity which runs from the publication of notice of elections to the day of election significantly constrains how the council communicates. The period of sensitivity observed by central government in relation to councils (which begins around three weeks before the election) adds further constraints to engagement.

5.13 In addition to the impact at a political level, elections place a significant and time-consuming burden on senior officers. In particular, the Returning Officer (RO) is usually the Chief Executive and is responsible for the running of elections in line with electoral law, from the nomination process to polling and the count, and (in liaison with the police) is responsible for the integrity and security of the election, as well as for its efficient administration. They will also have the role of Electoral Registration Officer (ERO) with legal responsibility for ensuring an increased workload of applications is effectively processed. In addition to the significant time requirements for both the RO and ERO roles there is a personal liability for both roles.

5.14 On 22 January 2026 the Secretary of State announced in Parliament[11] that he had written[12] to affected councils setting out his decisions that he intended to bring forward legislation to postpone for one year elections to 29 councils, with elections to 34 councils going ahead. In setting out his decision to councils, he said,

"This decision follows a comprehensive consideration of all the evidence available to me. I have listened to concerns regarding the resource pressures of running intensive elections for councils proposed for abolition shortly thereafter. By delaying these elections, I am confident that we will be releasing essential capacity within councils to allow your teams to focus their full energy on the complex reorganisation process, while also addressing concerns regarding the cost of holding elections for bodies that will soon cease to exist.

"This move ensures our continued delivery against an ambitious timetable that sees new councils going live in April 2028, delivering on our promise to create sustainable, effective structures within this Parliament."

5.15 The 29 councils included in the announcement of 22 January are:

- Adur District Council
- Basildon Borough Council
- Blackburn with Darwen Council
- Burnley Borough Council

[11] Written statement: https://questions-statements.parliament.uk/written-statements/detail/2026-01-22/hcws1270 and Oral Statement: https://hansard.parliament.uk/commons/2026-01-22/debates/A64DFB59-A796-4B7E-9A3B-FC09BBF23BA0/LocalGovernmentReorganisation

[12] https://www.gov.uk/government/publications/local-government-reorganisation-letter-to-council-leaders-on-the-postponement-of-may-2026-local-elections

- Cannock Chase District Council
- Cheltenham Borough Council
- Chorley Borough Council
- City of Lincoln Council
- Crawley Borough Council
- East Sussex County Council
- Exeter City Council
- Harlow District Council
- Hastings Borough Council
- Hyndburn Borough Council
- Ipswich Borough Council
- Norfolk County Council
- Norwich City Council
- Peterborough City Council
- Preston City Council
- Redditch Borough Council
- Rugby Borough Council
- Stevenage Borough Council
- Suffolk County Council
- Tamworth Borough Council
- Thurrock Council
- Welwyn Hatfield Borough Council
- West Lancashire Borough Council
- West Sussex County Council, and
- Worthing Borough Council

5.16 In confirming that elections to the remaining 34 councils in reorganisation areas will go ahead as planned, the Secretary of State explained that "we received representations indicating that [those councils] had the capacity required for elections to proceed during the process of local government reorganisation; representations indicating postponement would be helpful but without sufficient evidence of the impact on capacity; or postponement was not sought."

5.17 Following the Secretary of State's announcement, the Department received further representations from two councils (Essex County Council and Pendle Borough Council). The Secretary of State reconsidered the evidence and all representations in relation to each council, including the additional representations, and decided to confirm his original decision not to postpone elections to Essex County Council and to change his original decision on Pendle Borough Council and include them in this instrument. This brought the total number of elections to be postponed to 30. Letters confirming the Secretary of State's further decisions were sent to the councils on 29 January[13].

5.18 An additional 53 representations from members of the public were identified that had been received before the deadline but not included in the advice to the Secretary of

[13] https://www.gov.uk/government/publications/local-government-reorganisation-further-letters-to-councils-on-local-elections-in-may-2026

State. None had been submitted via the email address designated in the Department's letters and some were identical to other representations that had been received. These representations were reviewed and brought to the Minister's attention on 29 January but did not change any of the decisions made.

5.19 Where agreed, the postponement is for one year, to May 2027, and the instrument adjusts the terms of office of existing councillors accordingly.

5.20 The Government's anticipated timetable for reorganisation in both tranche 2 and tranche 3 areas is for the new structures to go live from 1 April 2028 preceded by elections to new councils in May 2027. These would replace any scheduled elections to councils that are to be abolished, including those postponed from 2026.

5.21 In the absence of a Structural Changes Order to implement a proposal for unitary local government in an area (on which decisions are yet to be made), the postponement effected by this instrument will not affect the timing of subsequent council elections after 2027, with the next elections taking place in 2029 where elections were postponed from 2025 and in 2030 where they were not. In this scenario, Councillors elected in May 2027 would serve two or three year terms respectively to preserve the existing schemes and timings of elections other than those subject to postponement. Thurrock Council is an exception as the postponed May 2025 elections would have been the first whole council elections. In the absence of a Structural Changes Order, subsequent council elections to Thurrock will take place in 2031 and then every four years ensuring that the new scheme of elections is not affected following inaugural whole council elections in 2027.

5.22 Vacancies arising in the six-month period prior to the May 2026 elections would ordinarily have been filled at the May 2026 elections rather than at by-elections. The requirement for by-elections to fill such vacancies is reinstated by the postponement and this ensures there are no long-term vacancies on a council. For clarity, the instrument specifies that such by-elections must take place in the period between the coming into force of the instrument, on 27 February 2026, and 7 May 2026 (the ordinary day of election).

5.23 The instrument makes consequential amendments to legislation made by the Local Government Boundary Commission for England (LGBCE) implementing boundary reviews for local government electoral areas, to ensure that the new boundaries come into effect when the postponed elections take place. This will ensure any by-elections before May 2027 are held on current boundaries. The instrument also makes consequential amendments to LGBCE legislation to clarify how the retirement of councillors is to work where a council is in the process of reverting to elections by thirds following whole council elections implementing a boundary review (see paragraphs 6.4 and 7.6).

What was the previous policy, how is this different?

5.24 In the recent past local government reorganisation has been considered by the government on a case-by-case basis, where invitations to submit proposals have been requested by local councils. The policy approach set out in the White Paper is more ambitious, on a larger scale and at a faster pace than previously. The postponement of elections is therefore on a commensurate scale.

5.25 Between 2019-2022 the previous Government postponed local elections in areas contemplating and undergoing local government reorganisation. This was done in Buckinghamshire, Cumbria, Northamptonshire, North Yorkshire, Somerset and Weymouth and Portland. Postponement allowed councils to focus their resources on

the process itself, enabling open conversations about proposals and avoiding elections to a council which may cease to exist. In each of these precedent areas local government reorganisation was subsequently implemented. In 2025 the current Government postponed elections to nine councils that were undergoing both devolution and reorganisation. Details of that Order and Orders made under the previous Government are set out in the Explanatory Memorandum to that Order.[14]

5.26 The postponement of elections in no way pre-judges the outcome of a local government reorganisation process that is still in progress: this applies in the case of all of the councils specified in this instrument. Where local government reorganisation is implemented, Structural Changes Orders made under powers in the Local Government and Public Involvement in Health Act 2007 will set out the arrangements for elections to the current and future councils (see paragraph 5.20).

6. Legislative and Legal Context

How has the law changed?

6.1 The Local Government Act 2000 ("the 2000 Act") anticipates that there may be occasions when it will be appropriate for the timing of elections of local authorities in England to be moved. Section 87 of the 2000 Act confers a power on the Secretary of State to change by order the years in which the ordinary elections of councillors of a specified local authority are to be held. An order may include provision to secure the retirement of councillors at different times from those at which they would otherwise have retired. Section 105 of the 2000 Act provides that an order may make incidental, consequential, transitional or supplemental provision which the Secretary of State considers necessary or expedient, which includes the power to apply an enactment with or without modification.

6.2 Article 2 of this instrument postpones for one year the May 2026 elections to the councils listed in the Schedule to the Order. The terms of office of existing councillors are adjusted accordingly by article 3. Subsequent years of election are not affected (2029 for councillors in East Sussex County Council, Norfolk County Council, Suffolk County Council and West Sussex County Council, and 2030 for all other councils), except in Thurrock Council where subsequent elections will take place in 2031 and every four years thereafter (see paragraph 5.21), and article 5(7) makes consequential amendments in respect of Thurrock Council to this effect.

6.3 Article 4 makes consequential modifications to legislation governing the filling of casual vacancies in the office of councillor as a result of the postponement, where those casual vacancies had occurred prior to the coming into force of this instrument and had not been filled because the vacancies had occurred within six months of the end of the term of office of the councillor whose office had been vacated (paragraph 5.22). Article 4(2) provides for a period of time in which such vacancies in local authorities can be filled by election, and article 4(3) provides that a person elected to fill such a vacancy is to retire in 2027.

6.4 Article 5(1), (2) and (3) makes consequential amendments to LGBCE electoral changes Orders relevant to the elections which are postponed, so that those boundary changes take effect for the purpose of the elections in 2027. Article 5 also amends electoral changes instruments to ensure the smooth operation of provision relating to retirement of councillors in 2027 and subsequently where a council which ordinarily

[14] Explanatory Memorandum to the Local Authorities (Changes to Years of Ordinary Elections) (England) Order 2025 2025 (S.I. 2025/137): https://www.legislation.gov.uk/uksi/2025/137/memorandum/contents

elects by thirds is undergoing phased retirement following whole council elections (article 5(4) to (6); see paragraphs 5.23 and 7.6).

Why was this approach taken to change the law?

6.5 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 Paragraphs 5.4 to 5.7 explain the Minister's invitation of 18 December 2025 to 63 councils to submit views on the postponement of their 2026 elections and whether they consider this could release essential capacity to deliver local government reorganisation in their area and so allow reorganisation to progress effectively. The letter mentioned that some councils had already been in touch to express concerns regarding capacity to deliver reorganisation and noted that these representations would be taken into account. Paragraph 5.9 also sets out the correspondence between the Department and certain councils following the deadline for representations. The deadline of 15 January 2026, whilst tight, reflected the legislative timing requirements and the need to give certainty to voters, candidates and electoral administrators as soon as possible. The Minister set out that all the material received in relation to each council would be considered.

7.2 The Department received over 400 representations by the deadline, as mentioned at paragraph 5.8, including the further 53 public representations identified subsequently (paragraph 5.18). In addition to those from 60 of the 63 councils with scheduled elections in 2026, 22 were from other councils, of which 12 have responsibility for running elections on behalf of county councils, and 10 which have no role in the 2026 elections. There were also nine representations from town and parish councils and one from the National Association of Local Councils (NALC), 12 from parliamentarians, one from the Electoral Commission, one from the Sussex Police and Crime Commissioner and 291 representations from members of the public, including the 53 further representations identified.

7.3 Councils seeking postponement of their elections described capacity pressures in varying terms and provided evidence reflecting local circumstances. This included constraints within democratic services teams and their wider organisations in preparing for and following an election. Councils explained that senior leadership and staff (including those from supporting functions) are both responsible for administering elections and managing reorganisation activity, creating competing demands. Some councils noted pressures including vacancies and recruitment challenges that have reduced resilience. Given the need for sustained senior focus on reorganisation, officer time spent on election administration was highlighted as a risk to successful delivery of local government reorganisation.

7.4 In addition to the administrative burden of the election itself, some councils cited the statutory pre-election period and the subsequent induction of newly elected members as further constraining timely decision making, community engagement, policy development and officer capacity. These activities were considered essential to maintaining momentum against key reorganisation milestones. Some councils described that the resulting pause in decision making could place councils with scheduled elections at a disadvantage relative to those without, as well as adding further risk to the timetable.

7.5 A number of councils described the financial costs associated with elections that could be diverted to reorganisation to bolster capacity, varying from an estimated £100k to £2m depending on council type and scale. They argued incurring these costs for councils likely to be abolished shortly thereafter would not represent a prudent use of public funds. Some councils experiencing particular financial pressures emphasised that postponement would demonstrate good financial stewardship.

7.6 While some councils requesting postponement acknowledged the impact on democratic participation, they considered this was justified in the circumstances. Councils highlighted that elections held immediately prior to the abolition of existing councils would offer limited democratic value, given the short tenure of members, which may also discourage potential candidates. Some councils also cited the importance of experienced councillors in providing effective scrutiny during transition, and some noted the diminishing role of councillors given the interaction with new councillors preparing for the go live of their authorities. In addition, some councils (as set out at paragraph 5.23) had recently held whole council elections following a boundary review. As these councils were using phased retirement to return to their standard electoral cycle, many councillors had not yet served a full four year term.

7.7 In some cases, councils provided conflicting representations from different groups within the council, including differing evidence relating to capacity. Evidence submitted in support of holding elections drew on preparations already underway or contingency plans in place, while others from the same council highlighted constraints. Where multiple and conflicting views were included in representations from a council the Secretary of State weighed up all representations when deciding whether or not to postpone each election.

7.8 Four councils provided evidence that postponement would release capacity to deliver reorganisation but did not provide a clear request – either for postponement or for elections to proceed. A further letter was sent to these councils (as set out at paragraph 5.9) to clarify their position, noting that in the absence of a clear request on whether their election should be postponed, the Secretary of State would assume the council's view is that the election should go ahead. In response, two councils reiterated they would not request postponement, one set out that elections should proceed and one provided a nuanced representation that was judged as a request for postponement.

7.9 Councils where the clear request was for elections to proceed typically wrote clearly to this effect, pointing to the importance of electoral accountability and confirming they had the necessary capacity to deliver reorganisation. Some also noted that the council's decision to request that elections should proceed was unanimous or that it reflected the views of residents. Some representations were more nuanced, setting out capacity considerations, referring to the cost and risk to turnout of stand-alone parish council elections (see paragraphs 7.12-13) or making references to the parallel decision by the Secretary of State as to whether or not elections would take place to the other council/s for the area. Some also sought a timely decision from the Department to confirm that elections would not be postponed in order to provide certainty as soon as possible. Some made reference to suspected party political motivations for postponing elections within the Government.

7.10 Councils which were not due to hold their own elections in May 2026 but which would be running elections on behalf of county councils typically wrote to describe their role in administering elections and to confirm that they had capacity to do so. Some highlighted that postponement may result in additional complexity from

multiple by-elections where councillors who would have retired in 2026 opt to resign rather than to continue in post for a further year.

7.11 Other councils with no role in the 2026 elections generally wrote to oppose the postponement in other councils, arguing it would create a democratic deficit. Some also challenged the basis of postponement, questioning whether releasing capacity for reorganisation was justified. These points are addressed below at paragraphs 7.18 to 7.20.

7.12 Parish councils provided views as to whether or not elections to their principal councils should be postponed, largely favouring no postponement. Some also commented on the importance of aligning parish council elections with those of their principal council following reorganisation. Parish councils also raised concerns about the cost and risk of lower turnout associated with holding stand-alone parish council elections. NALC reflected similar concerns on behalf of affected parish councils. They welcomed the opportunity to submit representations but criticised the lack of a requirement on principal councils to engage their parish councils when preparing their own representations.

7.13 The Minister's letter of 18 December 2025 explained that the Secretary of State was not minded to postpone town and parish council elections as town and parish councils are not subject to the local government reorganisation process. This approach follows precedent in relation to the postponement of elections to the Isle of Wight council in 2025 (the only principal council area to which parish council elections were due in relation to the 2025 postponement). It is for town and parish councils and principal councils to agree how the costs of town and parish council elections will be met; in principle principal councils are able to pass on the costs but do not always choose to do so. Legislation implementing proposals for unitary local government normally provides for the alignment of parish council elections with their principal councils: this is a question that the Department will discuss with areas when and if that legislation is developed.

7.14 Nine out of 12 representations from Members of Parliament (MPs) opposed postponement of elections, largely in councils within the area of their constituency, but in some cases more generically. Representations asserted, for example, that elections are a critical feature of political identity and culture and should be preserved. Several MPs referred in particular to "double postponement" and the loss of democratic mandate associated with extended terms of office in some councils. These concerns are addressed along with those raised by the Electoral Commission, at paragraphs 7.16 to 7.21 below. There was more limited support for postponement, with one MP arguing that reorganisation should be prioritised and that terms of office for a particular council would only be extended to four years (following recent whole council elections implementing a boundary review). Some MPs also asked for a quick decision to ensure certainty for those involved in the elections or asked questions about the decision process.

7.15 The Electoral Commission set out concerns in its public statement of 19 December 2025[15], namely that the timing of the decisions created uncertainty for electoral administrators and campaigners and was unprecedented, and that "as a matter of principle, we do not think that capacity constraints are a legitimate reason for delaying long planned elections". The Electoral Commission also noted a particular concern regarding "any further postponement to those [elections] which already had been

[15] https://www.electoralcommission.org.uk/media-centre/electoral-commission-responds-potential-election-postponements

deferred from 2025", and that "extending existing mandates risks affecting the legitimacy of local decision making and damaging public confidence." They also voiced concern that there was "a clear conflict of interest in asking existing Councils to decide how long it will be before they are answerable to voters."

7.16 The Department acknowledges the importance of providing clarity as soon as possible for councils, candidates and campaigners. That is why Ministers acted to engage councils upon hearing concerns about capacity to deliver local government reorganisation alongside resource intensive elections. The deadline for responses balanced the need for an urgent decision with the desire to give councils an opportunity properly to consider the question. The Department does not agree that uncertainty created by the timing of the Secretary of State's announcement and this instrument are unprecedented: The instruments postponing elections in Cumbria, Somerset and North Yorkshire in 2021[16] were all laid on 22 February and brought into force on 18 March, and the instrument postponing elections in Weymouth and Portland in 2018[17] was laid on 27 February and brought into force in 27 March.

7.17 Paragraphs 5.12 and 5.13 have set out in detail the Department's views on the question of "capacity" which is significantly broader than that required for the delivery of council elections by specialist electoral administration teams.

7.18 Decisions on further postponements where elections were postponed from 2025 took into account the potential for a further extension to councillors' terms of office and were considered in relation to the councils' current circumstances as set out in their representations. There has been discussion in Parliament and elsewhere as to the total length of terms to be served by councillors as a consequence of the reorganisation process, in particular that county councillors could serve seven year terms. It can be noted that postponement of elections for a second year is not novel: the district council elections in Carlisle, South Lakeland and Craven postponed from 2021 to 2022 ahead of reorganisation in Cumbria and North Yorkshire had previously been postponed from 2020 to 2021 by the Coronavirus Act 2020.

7.19 More generally, the Secretary of State considered the impact of postponement on potential terms of office and noted that a number of councils which ordinarily elect by thirds or halves have recently held whole council elections to implement internal boundary changes and are currently undergoing phased early retirement of councillors in order to revert to their prevailing scheme of elections. For example, councillors whose elections are postponed in Basildon, Cannock Chase, Harlow, Stevenage and Redditch will have their terms of office extended from two years to three years by this instrument. They would then be extended to a total of four years if elections are replaced with elections to new councils in their area under a Structural Changes Order which abolishes those councils in 2028. Similar situations apply in Cheltenham and West Lancashire.

7.20 The instrument ensures the continued legitimacy of existing councillors by extending their terms of office accordingly. The decision to postpone in relation to each council's election is effectively an all-or-nothing decision, so other forms of mitigation are not available. The Government notes, however, that councillors remain free to choose to resign if they so wish.

[16] Cumbria - https://www.legislation.gov.uk/uksi/2021/174/contents/made; North Yorkshire - https://www.legislation.gov.uk/uksi/2021/175/contents/made and Somerset - https://www.legislation.gov.uk/uksi/2021/176/contents/made

[17] https://www.legislation.gov.uk/uksi/2018/256/contents/made

7.21 The Government rejects the accusation that there is a risk of a conflict of interest in asking councils "to decide" the question of postponement. The decisions are for the Secretary of State alone. In making those decisions, he listened to the concerns raised by a number of councils and then sought views from all affected councils. In doing so, he was clear that councils were best placed to provide an assessment of their local circumstances to help inform his decisions. In considering each decision he considered all views provided from councils, together with the other representations he received.

7.22 291 representations were received from members of the public directly or shared via their local MP. 248 related to specific councils or areas (with a large number from residents of Basildon and Thurrock) and 43 were general representations from residents in areas without local elections in May 2026 or without reference to a specific council. Some representations were identical. The representations from members of the public were largely opposed to postponement. Criticisms included that the denial of the right to vote is undemocratic and unlawful and that a democratic deficit is created where councillors serve extended terms of office. Some representations expressed concerns that postponing elections would lead to further postponements or turn the country into a dictatorship. Other representations criticised the decision making undertaken by councils in responding to the invitation to submit views, and in particular that the decision was not taken by the full council or that resident views were ignored. Some representations from members of the public did not oppose or support postponement but instead asked questions about the rationale or decisions. Within the 291 representations from members of the public, 53 were identified after advice was sent to the Secretary of State but were similar or identical to those identified previously.

7.23 Many of the criticisms expressed by members of the public have been addressed above (see paragraphs 7.18 to 7.21). As to the question of lawfulness, the Government takes the view that section 87 of the 2000 Act clearly gives the Secretary of State the power to legislate to change councils' year of election, and that the decisions have been subject to a thorough and rigorous process, including the consideration of all relevant representations and evidence, and are consistent with the principles of public decision making.

7.24 On the question of democratic rights, democracy is not solely about holding elections, it is also, fundamentally, about the democratic institutions to which councillors are elected. The Government has been clear that the current programme of local government reorganisation is a once-in-a-generation reform of local government to end the outdated two-tier system with new single-tier councils within this Parliament. The result will be simplified local structures with stronger local councils equipped to drive economic growth, improve local public services, and empower their communities. The scale of the postponement of elections reflects the scale of the Government's ambitions for reorganisation for the 21 areas in the programme. For comparison, the previous Government legislated to postpone 17 local council elections for one year during preparatory work for just six reorganisation areas.

7.25 On the question of council decision-making, decisions of this kind are not expressly reserved to full council[18] and it was therefore for councils to decide, in accordance with their constitutions, how the decision on the submission of its representations

[18] Functions reserved to full council are specified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (S.I. 2000/2853): https://www.legislation.gov.uk/uksi/2000/2853/contents

would be made. Some councils chose to submit multiple representations reflecting different views within the council. The Secretary of State considered all the representations he received from councils, members and groupings within councils.

8. Applicable Guidance

8.1 No guidance is necessary to accompany the Order; the councils concerned have been notified of its making.

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 no, or no significant, impact is anticipated on businesses.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies because the instrument does not affect these bodies.

9.3 The legislation does not impact small or micro businesses.

9.4 The impact on the public sector should be positive as it will save the costs of holding elections for new councillors who may serve only a short term of office and ensure the councils can prioritise the resources effectively to deliver local government reorganisation effectively.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 There is no plan to monitor or review this legislation as its purpose is limited to the rescheduling of the specified local elections from May 2026 to May 2027.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

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 ("relevant European Union Acts").