

Council

16 October 2025

Use of Urgency Provisions

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Summary

This report provides details of recent usage of urgency provisions contained within the Constitution.

1. Recommendation

- 1.1. The Council is asked to note the use of urgency provisions as set out in section 4 of the report.

2. Budget and policy framework

- 2.1. The Council's Constitution provides for a report to be submitted to Council following the usage of urgency provisions contained within the Constitution.

3. Background

- 3.1. Rule 17 (special urgency) of the Council's Access to Information rules, as set out in the Constitution, permits the Cabinet to make decisions when compliance with Rule 15 (The Forward Plan of Key Decisions) and Rule 16 (General Exception) is not possible.
- 3.2. On such occasions, a report to Council on the Cabinet decisions taken in the circumstances set out in Rule 17 (Special Urgency) will be submitted, in accordance with paragraph 18.3 of the Access to Information rules.
- 3.3. Paragraph 3.2 of the Responsibility for Cabinet Functions permits the Leader of the Council to make urgent decisions (which would ordinarily be a matter for Cabinet) subject to compliance with the Council's Access to Information rules, as referenced in paragraph 2.2 above. As such, all reports (unless exempt) and decisions (as well as an entry on the Forward Plan) are published on the Council's website on the day any urgency decision is made.
- 3.4. Leader and Cabinet – urgency. Paragraph 15.11 (call-in and urgency) of the Overview and Scrutiny rules, as set out in the Council's Constitution, states that a decision will be urgent if any delay likely to be caused by the call-in

process would seriously prejudice the Council's or the public's interests. The record of the decision and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The chairperson (or in their absence the vice-chairperson) of the relevant Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency.

- 3.5. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.
- 3.6. Council – urgent action. Paragraph 4.1 of the Employee Delegation Scheme states that in relation to Council responsibilities, subject to consultation with the Leaders of all the groups which comprise at least 1/10th of the membership of the Council (or their nominees), and the provisions for urgent decisions which are contrary to any plan or strategy which has been approved or adopted by the Council or which are contrary to or not wholly in accordance with the budget approved by the Council (set out in Chapter 4, Part 3 of the Constitution), the Chief Executive and Directors shall have the power to act on behalf of the Council in cases of urgency only where the urgent matter is of such a nature that it may be against the Council's interest to delay and where it is not practicable to obtain the approval of the Council.
- 3.7. Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.
- 3.8. A summary of the recent use of these provisions is set out in the following section.

4. Leader/Cabinet (executive decisions)

- 4.1. On 29 July 2025, the Cabinet considered a report to seek Cabinet approval to commence a [procurement process in relation to the delivery of the Medway Test](#) as the current contract runs out in January 2026.
 - 4.1.1. Whilst this item had been included on the Cabinet Forward Plan as an open report in compliance with the regulations, it is noted that the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012 also requires 28 clear days' notice of a Cabinet meeting to be held in private.
 - 4.1.2. The report set out that it had not been possible to provide this 28 clear days' notice of the inclusion of the exempt information within the exempt appendix to the report. The Chairperson of the Regeneration, Culture and Environment Overview and Scrutiny Committee agreed that that this matter was both urgent and could not be reasonably deferred until the next Cabinet meeting on 26 August 2025 as the tender timeframe was extremely tight for the new provider to be in place in time to start planning the 2026 Medway Test.

- 4.1.3. The Cabinet noted the report and agreed to the pursuance of the delivery of the Medway Test as per the preferred option identified in paragraph 7.2.5. of the [Cabinet] report.
- 4.1.4. The Cabinet agreed to entrust the client lead to finalise the quality questions initially proposed in 7.5 of the [Cabinet] report.
- 4.1.5. The Cabinet agreed to the undertaking of the designed procedure as illustrated in paragraph 7.2.5. of the [Cabinet] report.
- 4.1.6. The Cabinet agreed that the procuring officer would not seek a PCG/Bond.
- 4.2. On 26 August 2025, the Cabinet considered a report in relation to [the Proposed Changes to the Education Travel Assistance Policy and Post-16 Transport Policy Statement – Outcome Following Consultation](#).
 - 4.2.1. In line with rule 15.11 of Chapter 4, Part 5 of the Constitution, call-in can be waived where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the Public's interests. In this case, the revised Education Travel Assistance Policy was required to come into effect on 1 September 2025 ahead of the start of the new school term. It was, therefore, proposed that the call-in period be waived to prevent any delay in implementing the new Policy.
 - 4.2.2. The Chairperson of the Children and Young People Overview and Scrutiny Committee had agreed that the decisions proposed were reasonable in all the circumstances and to them being treated as a matter of urgency and to waive call-in.
 - 4.2.3. The Cabinet noted the comments of the Children and Young People Overview and Scrutiny Committee, as set out at section 7 of the [Cabinet] report.
 - 4.2.4. The Cabinet agreed the updated Education Travel Assistance Policy – Mainstream and the Education Travel Assistance Policy – Special Educational Needs and Disabilities (SEND), with effect from 1 September 2025, as set out in Appendices 1 and 2 to the [Cabinet] report.
 - 4.2.5. The Cabinet agreed the Post-16 Transport Policy Statement, with effect from 1 September 2026, as set out in Appendix 3 to the [Cabinet] report.
 - 4.2.6. The Cabinet agreed that recommendation 1.2 [Decision No. 120/2025, as set out in 4.2.4 above] was considered urgent and therefore should not be subject to call in.

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Appendices

None

Background papers

None