

Council

22 January 2026

Use of Urgency Provisions

Report from: Bhupinder Gill, Assistant Director Legal and Governance

Author: Wayne Hemingway, Head of Democratic Services

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 18 November 2025, the Cabinet considered a report in relation to [Local Government Reorganisation](#).
 - 4.1.1. 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.
 - 4.1.2. In this case, the deadline for the Council to submit a proposal for its preferred option for a single tier of local government in Kent and Medway to the Ministry of Housing, Communities and Local Government was 28 November 2025.
 - 4.1.3. The Chairperson of the Business Support and Digital Overview and Scrutiny Committee was consulted and agreed that if the Cabinet decision was subject to call in, it had the potential to frustrate a submission being made to the Secretary to State by the deadline. On the basis that the report and all options would have been debated at full Council before the Cabinet decision, the Chairperson 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.
(*reasonable in this context mean legally reasonable i.e. made taking into relevant factors, ignoring irrelevant factors and within a range of decisions a properly informed public body could take).

- 4.1.4. The Cabinet noted the steer given by Full Council at the meeting held on 13 November 2025 and agreed to submit the proposal Option 4D (as set out in Appendix 4 to the report) to the Ministry of Housing, Communities and Local Government (MHCLG) for local government reorganisation across Kent and Medway.
- 4.1.5. The Cabinet agreed to delegate authority to the Chief Executive, in consultation with the Leader of the Council, to finalise the proposal and its submission.
- 4.1.6. The Cabinet agreed that decision nos.154 and 155/2025 above [as set out in 4.1.4 and 4.1.5 of this report] were considered urgent and therefore should not be subject to call in.
- 4.2. On 18 November 2025, the Cabinet Sub-Committee (Kyndi Ltd Shareholder Board) considered a report in relation to the [Kyndi Strategic Plan](#).
 - 4.2.1. It is noted that the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires 28 clear days' notice of the intention to make a key decision. On this occasion it had not been practicable to provide this 28 clear days' notice and therefore Section 10 (general exception) of the above regulations had been complied with. The report was not included on the Forward Plan with 28 days' notice due to an administrative error.
 - 4.2.2. These regulations also require that 28 clear days' notice are given of a Cabinet meeting to be held in private.
 - 4.2.3. 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 Health and Adult Social Care Overview and Scrutiny Committee agreed, in accordance with Section 5 (procedures prior to private meetings) of the above regulations, that the matter was both urgent and could not be reasonably deferred until the next meeting of the Cabinet Sub-Committee on 17 March 2026 as the Sub-Committee needed to consider to consider the information in a timely manner in order for it to effectively undertake its role of monitoring progress of Kyndi's objectives against its Business Plan.
 - 4.2.4. The Sub-Committee noted the progress updates provided in the report.

Lead officer contact

Wayne Hemingway, Head of Democratic Services, T: 01634 332509,
E: wayne.hemingway@medway.gov.uk

Appendices

None

Background papers

None