



Council

23 April 2026

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. This report is presented to full Council for information purposes in accordance with the Council Rules.

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 10 March 2026, the Cabinet considered a report in relation to [Rescind of Cabinet Decision 8i/2025 - Grounds Maintenance Contract](#).
 - 4.1.1. 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. It was not possible to include this report on the Forward Plan with 28 days' notice because the need for the contract to be rescinded had not been identified at that point.
 - 4.1.2. These regulations also require that 28 clear days' notice are given of a Cabinet meeting to be held in private.
 - 4.1.3. It had not been possible to provide the 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 had agreed, in accordance with Section 5 (procedures prior to private meetings) of the above regulations, that this matter was both urgent and could not be reasonably deferred until the next Cabinet meeting on 7 April 2026 as there was a need for contract clarity; for certainty for the members of staff involved; and continuity of the service itself beyond 31 March 2026.

- 4.1.4. 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.
- 4.1.5. In this case, information had been received from Medway Norse which had had an impact and the Grounds Maintenance service, would need to be brought back in house and operational from 1 April 2026. To ensure continuity of the service itself, it could not be guaranteed that Norse would continue to provide the service if there was a delay on the TUPE beyond 31 March.
- 4.1.6. The Chairperson of the Regeneration, Culture and Environment Overview and Scrutiny Committee agreed that the decisions proposed were reasonable in all circumstances and to them being treated as a matter of urgency and to waive call-in.
- 4.1.7. The Cabinet agreed to rescind Cabinet decision 8i/2026, made by the Cabinet on 8 January 2026, which awarded the Grounds Maintenance contract to Canvins Group and agreed to the recommended option 2, to return Grounds Maintenance service delivery to the Medway Council FM Service Delivery Team from 1 April 2026.
- 4.1.8. The Cabinet agreed that recommendation 1.1 [as set out in 4.1.7 of this report] was considered urgent and therefore should not be subject to call in.

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Appendices

None

Background papers

None