



Council

23 April 2026

Contract Letting – Exceptional Circumstances

Portfolio Holder: Councillor Vince Maple, Leader of the Council

Report from: Bhupinder Gill, Assistant Director, Legal and Governance

Author: Michael Kelly, Head of Category Management

Summary

This report details contracts awarded in accordance with the provisions of section 12 of the Contract Procedures Rules.

Exemptions to Contract Procedure Rules deal with the letting of contracts in exceptional circumstances where it is considered to be in the best interests of the Council to do so. They can be approved by the Monitoring Officer, provided that the exemption does not breach the threshold at which a contract would become a public contract, as detailed in paragraph 3.2.

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 constitution requires that the Monitoring Officer reports to Council the number of contracts recommended by Directors for award and approved by the Monitoring Officer under delegated powers and reliance on the exceptional circumstances, permitted within section 12 of the Council's Contract Procedure Rules.

3. Background

3.1 In accordance with Section 12, individual provisions within the Contract Procedure Rules may be exempted in exceptional circumstances, where it is considered to be in the interests of the Council to do so, provided that the exemption does not constitute a public contract.

3.2 The Monitoring Officer can sign exemptions off up to the relevant financial value as set within the Procurement Directives. Exceeding this threshold would result in the requirement being subject to the procurement regulations and in turn constituting a 'public contract'. For the year this report covers, these values started as follows and ended with the value in brackets. It is important to note that these values are updated every 2 years and became the bracketed value on 1 January 2026.

3.2.1 Good and services: £214,904 (£207,270)

3.2.2 Works £5,372,609 (£5,193,000)

3.2.3 Light Touch (predominantly social care) £663,540 (£663,540)

4. Exemptions Granted

4.1 This report covers the period of 1 April 2025 to 31 March 2026.

Exemption 1 – Debenhams One Public Estate works

Value: £32,409

Project Summary:

- Enabling works at the Debenhams site, Chatham, the project became subject to further grant funding with a strict timeframe for allocation.

Rationale:

- As the contractor had already been appointed to deliver works on site, an exemption was granted to achieve continuity and value for money.

Directorate seeking Exemption Request: Regeneration, Culture and Environment.

Month Exemption Approved by the Monitoring Officer: April 2025

4.2 **Exemption 2 – Medway Test**

Value: £120,000

Project Summary:

- Medway Council had a contract to deliver the Medway Test with various extension provisions included. One of the extensions was not formally enacted in time and the service provider had already started preparations for the following year's test.

Rationale:

- As the requirement was contracted, but the extension not formally enacted, then to support continuity an exemption was granted to prevent the test being pulled.

Directorate seeking Exemption Request: Children and Adults

Month Exemption Approved by the Monitoring Officer: April 2025

4.3 **Exemption 3 – RAAC Specialist Roofing Works**

Value: £299,535

Project Summary:

- Medway Council had conducted various survey and remedial works upon identification of RAAC within Gun Wharf. As part of those works, scaffolding was already in place and on close inspection a number of areas had been identified where water was able to ingress into the building and in turn potentially damage the RAAC concrete. It was paramount these areas were addressed.

Rationale:

- The Council received a cost from the works contractor who was supporting the remediation programme to address these identified areas, this cost came with the advantage of the scaffolding costs being drastically decreased as the vast majority of it was already in place thereby allowing easy access, oppose to new scaffolding needing to be included for as part of any subsequent tender.

Directorate seeking Exemption Request: Regeneration, Culture and Environment.

Month Exemption Approved by the Monitoring Officer: April 2025

4.4 **Exemption 4 – Schools Health and Safety Services**

Value: £22,500

Project Summary:

- The Schools Health and Safety Manager provides statutory services for Medway Council maintained schools. There was a need to ensure continuity and maintain high standards in health and safety oversight for the next academic year, September 1, 2025 and beyond. The Schools Health and Safety package is offered to both maintained schools and academies.
- The postholder at the time had successfully applied for another position within the Council and their last day with the Education team was before the start of the new academic year.

Rationale:

- There was insufficient time to recruit conventionally and as this was a statutory service, an appointment via an exemption was made.

Directorate seeking Exemption Request: Children and Adults

Month Exemption Approved by the Monitoring Officer: August 2025

4.5 **Exemption 5 – Removal of Flags**

Value: £13,800

Project Summary:

- Following the widespread public engagement with the Raise the Colours campaign, numerous flags had been erected on lamp columns across Medway.
- While the campaign had been largely peaceful, the installation of flags on public infrastructure raised concerns regarding safety, structural integrity, and compliance with highway regulations.

Rationale:

- To support safety, structural integrity, and compliance with highway regulations an exemption was granted.

Directorate seeking Exemption Request: Regeneration, Culture and Environment

Month Exemption Approved by the Monitoring Officer: September 2025

4.6 **Exemption 6 – Local Plan Examination Programme Officer**

Value: £15,000

Project Summary:

- The Council was preparing a new Local Plan following a statutory process set out in legislation. This included an independent examination of the draft plan by the Planning Inspectorate. The Planning Inspectorate required the council to employ a Programme Officer to work for the appointed Planning Inspector. The Programme Officer was to liaise with the council on behalf of the Planning Inspector.

Rationale:

- This was a specialist role, requiring knowledge of the examination procedure for local plans, and was to involve varying workloads over an estimated period of over one year.

- The appointed candidate was highly recommended, met the Planning Inspectorate's training requirements, and had confirmed availability to support the examination of the Medway Local Plan.

Directorate seeking Exemption Request: Regeneration, Culture and Environment.

Month Exemption Approved by the Monitoring Officer: November 2025

5. Advice and Analysis

- 5.1 A concerted effort continues to be made to reduce the number of exemptions to a minimum, although it has been accepted that in an authority of this size some exemptions may be necessary. The Category Management team have worked hard with teams across the Council to better prepare for up-coming procurement exercises, under the oversight of the Procurement Board and through more proactive forward planning. Inevitably some service requirements occur that require a quicker response, than those that are planned and monitored.

6. Risk Management

- 6.1 The Category Management team review each exemption request and provide quality assurance before recommending approval to the Monitoring Officer. As part of this review, risks are identified and managed and any exemptions, which do not conform to Contract Procedure Rules, are declined. The risks of accepting/rejecting all exemptions are identified and communicated to the Monitoring Officer to make an informed decision.

7. Financial and legal implications

- 7.1 The legal implications are set out in the report. The costs associated with the contracts were met from approved budgets.

Lead officer contact

Bhupinder Gill
Monitoring Officer
E-mail: bhupinder.gill@medway.gov.uk

Appendices

None

Background papers

None