

From: Linden Kemkaran – Leader of the Council

To: County Council – 18 September 2025

Subject: **Annual Report on Urgent Decisions taken by the Executive – 2024-25**

Classification: Unrestricted

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Summary: The Constitution requires that the Leader of the Council reports urgent Executive Decisions to County Council on an annual basis.

**Recommendation: The Council is asked to note the report.**

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## **INTRODUCTION**

1. The Constitution makes provision, under Sections 12.32 and 12.33, for the use of urgency procedures as part of Executive decision-making, complying with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
2. In accordance with Section 12.37 of the Constitution, this paper serves as the required annual report to Council providing details of when urgency procedures have been used. The purpose of this report is to supply a collated list of urgent decisions and draw Members' attention to those instances when urgency has been necessary. The period covered by the report is 5 September 2024 to 10 September 2025.
3. Detailed consideration of these decisions and the related areas of Council business is the responsibility of the Cabinet Committees and the Scrutiny Committee. The relevant Cabinet Committee will have considered these urgent decisions following their implementation, including receiving reports on the urgency and reasons why pre-decision consideration was not possible when applicable. The Scrutiny Committee is the appropriate forum for any detailed consideration or Scrutiny of any urgent or out of cycle decisions. Should further consideration of any of these issues be desired, Members are asked to liaise with Democratic Services and the relevant Committee Chairs to explore adding them to their work programmes.
4. Since 5 September 2024, **six** decisions were taken via the urgency procedures detailed in the Constitution and the Executive Arrangements Legislation during the timeframe covered by this Annual Report to Council. **One** of these decisions was

semi-urgent and **five** were progressed via the full statutory urgency process allowing for immediate implementation. Table 1 below shows the number of decisions that have been taken via the urgency procedure from July 2021 to 9 September 2025.

5. Table 1: Number of urgent and semi-urgent decisions taken since 2021

	15 July 2021- 1 July 2022	14 July 2022- 6 July 2023	7 July 2023- 4 September 2024	5 September 2024- 9 September 2025
Urgent	6	3	6	5
Semi-urgent	8	7	5	1
Covid urgent	N/A	N/A	N/A	N/A
Covid Semi-urgent	N/A	N/A	N/A	N/A
Total	14	10	11	6

6. This report sets out the key information of each of those decisions taken between early September 2024 and early September 2025: the decision-maker; the date and brief summary of the decision; the type of urgency process used and the reason for urgency.
7. The responsibility for determining whether urgency procedures are appropriate sits with the Decision-maker (Cabinet or Cabinet Member) - providing that that relevant Senior Officer (commonly the Corporate Director for the relevant Directorate) confirms that the decision cannot be reasonably deferred, taking account of any relevant professional advice. The urgency legislation and constitutional arrangements also require that the use of urgency procedure be agreed by the Chair of the Scrutiny Committee – such agreement relates only to the urgency requirement, not the merits or otherwise of any decision. Taking account of the Officer and Non-Executive views noted above, the Decision-maker must be satisfied themselves that the use of urgency is correct at the point they make the decision.

#### The key reasons for the use of urgency procedure

8. In previous years, a common reason for the use of urgency procedure has been the limited timeframes in which KCC was required to respond to directives imposed by central Government or to enter into agreements. Responding to these issues and related governance advice through the Annual Governance Statement and engagement with Governance, Law & Democracy teams, the Directorates have made significant progress in ensuring appropriate planning is in place to commence decision making preparations and notice periods earlier where these situations may be anticipated and as a consequence, the number of urgent decisions has diminished. On occasion, these scenarios cannot be avoided where initial notice of any requirement for KCC to act or respond is given at very late notice. An example of this, where KCC could not make any relevant preparations to avoid using urgency procedures, was the Devolution Priority Programme application process.

9. Common reasons for urgent decisions in this report period were contractual challenges or changing situations resulting in tighter than anticipated commissioning timeframes. This is indicative, to an extent, of the challenge involved in meshing the complex and dynamic commissioning process with the lengthy and open Executive Decision-making arrangements, as dictated by legislation.

#### Urgency arrangements

10. Generally, deferral of implementation should be the starting point of consideration of how to manage decision-timing challenges but, where this is not viable or has significant negative consequences, the Executive may opt to use urgency to ensure progression.
11. The Executive, when required, uses two types of urgent decision - permitted under the relevant legislation and detailed in the Constitution. These are:
  - the General Exception route, which is referred to in KCC documentation as 'semi-urgent' because it involves compliance with all normal decision-making processes, but the notice of the proposed decision will have been published on the list of Forthcoming Executive Decisions (FED) for more than 5 but fewer than 28 days; and
  - Cases of Special Urgency, referred to as Statutory Urgency Process or 'full urgency' in KCC. These decisions are subject to a process of requiring agreement by the decision-maker, the relevant senior officer and the Chair of the Scrutiny Committee that urgency is necessary, followed by consultation with relevant non-Executive Members where possible. Such decisions may be implemented immediately, without advance notice on the FED and they are not subject to call-in.
12. To clarify the terminology further, 'urgency' relates to viability of adherence to the lengthy timeframes set out in the relevant Executive Arrangements regulations, which prioritise transparency and public notice periods over dynamic activity. From a practical perspective, implementation of a decision with fewer than six weeks' notice requires some form of urgency process, and a decision requiring implementation with fewer than two weeks' notice requires a fully urgent decision. While efforts are always made to provide long-term notice of all substantive Executive activity through effective planning and governance arrangements, it is vital that the Council has the capacity and agility to respond to changing circumstances and fast-paced situations when necessary.
13. The list provided below for Members' information has been organised into urgent decisions (Full Statutory Urgency), followed by semi-urgent decisions.

## **Urgent Executive Decisions – 5 September 2024 to 10 September 2025**

### **1. 24/00075 - Chilmington Green Secondary School**

Decision by the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services on 6 September 2024.

#### **Urgency process:**

Statutory urgency – immediate implementation.

#### **Summary:**

Chilmington Green Secondary School opened in September 2023 in temporary accommodation. The Department for Education (DfE) was delivering the new school premises, which should be operational in September 2025. Issues arose in relation to the legal responsibility for the funding, this dispute had to be resolved promptly in order to ensure the opening of the new school in September 2025.

#### **Reason for Urgency:**

To respond to the contractual dispute within required timeframes so as to ensure the opening of this essential secondary school in time for the new academic year.

### **2. 24/00087 - Household waste recycling centre and waste transfer station operation, management and haulage contracts**

Decision by KCC's Cabinet Member for Environment on 23 September 2024.

#### **Urgency process**

Statutory urgency – immediate implementation.

#### **Summary:**

In July 2024, when the Cabinet Member for Environment took a decision to re-procure contracts for operation, management, and haulage services of household waste recycling centres (HWRCs) and co-located waste transfer stations (WTS) in East, Mid and West Kent, the intention was that the new contracts would be awarded in Spring 2025 and, following a six-month mobilization, would commence from November 2025.

Since taking this decision, the initial market engagement identified significant financial risks concerning the proposed six-month mobilisation period that would lead to an increased procurement cost. It was therefore recommended that the contracts be extended. The extensions were on the same terms and conditions and could be met from existing budgets. However, as notice on the current contracts had been served, the contract extensions needed to be agreed urgently to ensure continuity of this statutory service and avoid additional mobilisation costs.

**Reason for Urgency:**

The current contracts were due to expire in October 2025. New contracts are being procured and need to be in place when the current ones expire in order to ensure the uninterrupted provision of this statutory service.

**3. 25/0002 - English Devolution White Paper - KCC response to Government**

Decision by KCC's Cabinet on 10 January 2025.

**Urgency process**

Statutory urgency – immediate implementation.

**Summary:**

Following the publication of the English Devolution White Paper on 16 December 2024, the Government proposed to establish a Devolution Priority Programme for a limited number of areas which wished to access the benefits of both devolution and local government reorganisation as quickly as possible. The deadline for applications to the programme was 10 January 2025.

The decision to request Kent and Medway be included in the Devolution Priority Programme is a matter for the Executive pursuant to section 7 of the KCC Constitution and the relevant legislation.

Taking account of views put forward by Members during an Extraordinary Full Council meeting held on 9 January 2025, the Cabinet determined that the benefits of joining the Devolution Priority Programme were significant and that KCC should apply.

**Reason for Urgency:**

The deadline for applications to the Programme was 10 January 2025 which, taking account of the limited notice provided to KCC, did not allow for any other decision timescale other than full urgency.

**4. 25/00036 - Expansion of Sir Geoffrey Leigh Academy, Green Street Green Rd Dartford DA1 1RB, by 2 FE, increasing the Published Admission Number (PAN) from 240 places per year group to 300 places per year group**

Decision by the Cabinet Member for Education and Skills on 21 March 2025.

**Urgency process:**

Statutory urgency – immediate implementation.

**Summary:**

The proposal to expand Sir Geoffrey Leigh Academy was developed because the Kent Commissioning Plan 2024/2028 indicated that there will be a shortfall in year 7 places in the Dartford and Swanley non-selective planning group.

The Academy agreed to offer 300 places from 2026, subject to a physical expansion. This proposal sought to facilitate the expansion by building a standalone block and enable various internal and external works. The Academy's trust, senior leadership team and governors agreed to consult on this proposal to expand the school and enlarge the secondary provision within the school by the addition of 60 places per school year.

**Reason for Urgency:**

Through an administrative error, primarily due to the complexity of this decision, the deadline for submission of this decision prior to the pre-election period was missed. The decision had to be taken via the urgent decision process to ensure the current project plan and timescales for completion could be maintained.

**5. 25/00055 - Kent Community Equipment Service - Direct Award of contract under Framework Y24008**

Decision by the Cabinet Member for Adult Social Care and Public Health on 31 July 2025.

**Urgency process**

Statutory urgency – immediate implementation.

**Summary:**

The Council has a statutory obligation to provide the community equipment service to support people with health and/or social care needs following discharge from hospital.

The Kent Community Equipment Service ("KCES") plays an essential role for both Health and Social Care in meeting the needs of Kent residents, and has a significant impact on the smooth functioning of acute and community health services. Failure, even for a relatively brief period of time, of the KCES could have severe and far-reaching consequences for people who use the service.

The timelines for securing continued service delivery did not allow for compliance with normal Executive Decision-making notice periods and arrangements; it was therefore proposed to award the contract directly, under the Framework Y24008, for the delivery of the Community Equipment Service.

**Reason for Urgency:**

The decision to award the contract could not be reasonably deferred because failure of the KCES contract, and therefore not having continuity of service provision, would detrimentally impact: the Council's ability to deliver against their statutory duties; delay hospital discharge; increase hospital admission; be a real risk to individuals and therefore safeguarding; increase pressure on Mental Health and Carers' services; and have a potential impact on increased costs to the health and social care sector. The timelines for securing continued service delivery did not allow for

compliance with normal Executive Decision-making notice periods and arrangements.

## **Semi-Urgent Executive Decisions - 5 September 2024 to 10 September 2025**

### **1. 25/00035 - Aylesford Tow Path Improvements/embankment reinforcement**

Decision by the Cabinet Member for Highways and Transport on 19 March 2025.

#### **Urgency:**

Semi-urgent decision.

#### **Summary:**

In September 2023, Active Travel England (ATE) proposed awarding a further capital grant to Highway Authorities, extending the Tranche 4 funding previously provided. Previous schemes that narrowly missed successful funding could be re-submitted. The Aylesford Tow Path was selected to be put forward for re-submission. A key decision was required to secure the funding and delivery of the scheme.

#### **Reason for Urgency:**

The terms and conditions of the ATE grant required the funding to be spent by March 2026. Due to long lead times for materials, deferring the decision would put this funding at risk.

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## **RECOMMENDATION**

The Council is asked to note the report.

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## **Background Documents (listed in date order)**

### **Urgent Executive Decisions – FED entries Records of Decision and published Reports:**

[24/00075 - Chilmington Green Secondary School](#)

[24/00087 - Household waste recycling centre and waste transfer station operation, management and haulage contracts](#)

[25/0002 - English Devolution White Paper - KCC response to Government](#)

[25/00036 - Expansion of Sir Geoffrey Leigh Academy, Green Street Green Rd Dartford DA1 1RB, by 2 FE, increasing the Published Admission Number \(PAN\) from 240 places per year group to 300 places per year group](#)

[25/00055 - Kent Community Equipment Service - Direct Award of contract under Framework Y24008](#)

**Semi-Urgent Executive Decisions – FED entries Records of Decision and published Reports:**

[25/00035 - Aylesford Tow Path Improvements/embankment reinforcement](#)

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