

NORTH YORKSHIRE COUNCIL

NOTICE OF URGENT ITEM AND CALL IN EXEMPTION

**Access to Information Procedure Rule 15 – General Exception
Overview and Scrutiny Procedure Rule 16 – Call-in Exemption**

Acquisition of properties for Local Authority Housing Fund

**To the Chair of the Housing and Leisure Overview and Scrutiny Committee
and
the Chair of North Yorkshire Council**

The Council's Constitution provides that if a matter which is likely to be a key decision has not been included on the Council's Forward Plan for the requisite period, the decision may still be taken if an urgency procedure is followed.

Under Access to Information Procedure Rule 15:

- 15.1 *If the publication of the intention to make a key decision is impracticable and a matter which is likely to be a key decision has not been included in the forward plan for the requisite period as set out in Rule 13.2, then subject to Rule 16 (special urgency), the decision may still be taken if:*
- (a) the Assistant Chief Executive (Legal and Democratic Services) has informed the Chairman of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee by notice in writing, of the matter about which the decision is to be made;*
 - (b) the Assistant Chief Executive (Legal and Democratic Services) has made copies of that notice available to the public at the offices of the Council and on the Council's website; and*
 - (c) at least five clear days have elapsed following the day on which the Assistant Chief Executive (Legal and Democratic Services) complied with (a) and (b).*
- 15.2 *As soon as reasonably practicable after the Assistant Chief Executive (Legal and Democratic Services) has complied with (a) to (c) above, s/he must make available at the Council's offices a notice setting out the reasons why compliance with Rule 13.2 is impracticable and publish that notice on the Council's website.*

The Council's Constitution further provides that where the call-in procedure would otherwise apply to an executive decision, it shall not apply where the decision being taken is urgent, if an urgency procedure is followed.

Under Overview and Scrutiny Procedure Rule 16:

- (h) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. 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 interest. The Chair of the council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the Vice-Chair's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a*

matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

It is anticipated that on 3 February 2025 a report seeking approval to purchase 3 properties from a private developer for use for the Refugee Resettlement Fund for the Local Authority Housing Fund Round 3 will be considered by the Deputy Leader & Executive Member for Finance & Resources. Approval was given in August 2024 to acquire properties for the purposes of the Local Authority Housing Fund Round 3, which also gave approval for individual properties to be purchased under delegated authority to the Assistant Director for Housing.

The intention to make this key decision has not been published on the Forward Plan for the requisite 28 clear day period.

This matter requires an urgent decision by the Deputy Leader and Executive Member for Finance and Resources on 3 February 2025, and cannot reasonably be deferred, to enable the timely consideration and progress of this matter. This report is deemed urgent as there is a high risk that the properties will be sold on the open market, if we are unable to secure a commitment to purchase these properties by the beginning of February. The council is looking to enter contract to purchase properties direct from a developer, the properties are under construction and will be ready in April / May 2025. All homes are currently available on the market. The developer advised on the 14th January 2025 that until the council formally reserves the homes and commits to the purchase by the 3rd Feb, that these homes will remain available to the market. Failure to secure these properties would put the council in a difficult position to source alternative units in the required areas of the district, and risk breaching its MOU with MHCLG.

As per the MOU with MHCLG the council is required to meet a requirement to provide 3 large (4 bed) properties as per the large resettlement requirement for the Local Authority Housing Fund.

The Council therefore needs to progress this matter within a short timeframe. As a consequence of the urgency of the timescales, the matter cannot be subject to the call in period. Overview and Scrutiny Procedure Rule 16 enables matters to be determined on an urgency basis and be exempt from call-in, where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest.

To the Chair of the Housing and Leisure Overview and Scrutiny Committee: In accordance with the General Exception provisions in Access to Information Procedure Rule 15, I am, therefore, informing you as the Chairman of the Corporate and Partnerships Overview and Scrutiny Committee that it is intended that this matter be considered by Deputy Leader and Executive Member for Finance and Resources on 3 February 2025.

To the Chair of North Yorkshire Council: in accordance with the provisions in Overview and Scrutiny Procedure Rule 16(h), I am seeking your agreement that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency (where any delay likely to be caused by the call in process would seriously prejudice the Council's or the public interest) and that the call-in procedure should therefore not apply to the decision. If you agree that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and the call-in process not applying, and that this item should be considered on 3 February 2025, will you please confirm by email as soon as possible.

BARRY KHAN
Assistant Chief Executive Legal and Democratic Services

Dated: 22 January 2025

I agree, for the reasons stated in this notice, that the decision proposed is reasonable in all the circumstances, to it being treated as a matter of urgency and exempt from call-in and that this item should be considered on 3 February 2025.

Signed Cllr Roberta Sweirs

Date 22 January 2025

Chair of North Yorkshire Council