

NORTH YORKSHIRE COUNCIL

NOTICE OF URGENT ITEM AND CALL IN EXEMPTION

**Access to Information Procedure Rule 16
Overview and Scrutiny Procedure Rule 16**

Brierley Homes Affordable Homes Funding

**To: the Chair of the Corporate and Partnerships 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 16:

16.1 Where the date by which a decision must be made makes compliance with Rule 15

(general exception) impracticable, then the decision can only be made if the decision maker (if an individual) or the Chair of the body making the decision, obtains the written agreement of the Chair of a relevant Overview and Scrutiny Committee that the making of the decision is urgent and cannot reasonably be deferred. If there is no Chair of a relevant Overview and Scrutiny Committee, or if the Chair of the relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Chair of the Council, or in their absence the Vice-Chair will suffice.

16.2 As soon as reasonably practicable after the decision maker has obtained agreement

under Rule 16.1 above, they must make available at the Council's offices a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred and publish the 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 their 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 was anticipated that on 19 August 2025 a report regarding Brierley Homes Affordable Homes Funding would be considered by the Executive and an entry was published on the Forward Plan on 18 July 2025. The report seeks additional loan facility approval to Brierley

Homes of £1.4m. The report looks at making this additional loan at base rate as it will specifically relate to delivering affordable housing above the planning policy requirements. However the urgency requirement has arisen due to the cashflow position of the Company with regard to specific housing sales which have been delayed.

Timescales are now more urgent, such that the decision is required to be taken and implemented immediately, under the urgency powers of the relevant Executive Member in the Executive Members' Delegation Scheme.

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

This matter therefore requires an urgent decision by the Deputy Leader of the Council (who has the Finance portfolio) on 21 July 2025 and cannot reasonably be deferred, to avoid potential cash flow issues which may otherwise arise from recent delays encountered in the house purchase process and to enable the timely consideration and progress of this matter, to meet the interests of all parties and the wider general public interest.

As a consequence of the urgency of the timescales, the decision referred to above will need to be implemented immediately. 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, which it is believed would be the case here.

To the Chair of the Corporate and Partnerships Overview and Scrutiny Committee: in accordance with the provisions in the Access to Information Procedure Rules, I am, therefore, informing you as the Chair of a relevant Overview and Scrutiny Committee, that it is intended that this matter be considered by the decision taker on 21 July 2025 and I am seeking your agreement that the making of the decision is urgent and cannot reasonably be deferred beyond this timeframe. If you agree, will you please confirm by email as soon as possible.

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, will you please confirm by email as soon as possible.

JENNIFER NORTON
Assistant Director Legal

Dated: 21 July 2025

I agree, for the reasons stated in this notice, that the making of this decision is urgent and cannot reasonably be deferred and that this item should be considered on 21 July 2025.

Signed Cllr Andrew Williams **Date** 21 July 2025

Chair of the Corporate and Partnerships Overview and Scrutiny Committee

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 21 July 2025.

Signed Cllr George Jabbour

Date 21 July 2025

Chair of North Yorkshire Council