

NORTH YORKSHIRE COUNTY COUNCIL

16 February 2022

Report on Special Urgency decisions under Access to Information Procedure Rule 16

Report of the Leader of the Council

1.0 PURPOSE OF REPORT

- 1.1 To provide the Council with a report on the use of the Special Urgency Procedure under Access to Information Procedure Rule 16 since the Council's last meeting on 17 November 2021.

2.0 BACKGROUND

- 2.1 The County 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.
- 2.2 The Access to Information Procedure Rules in the Constitution set out two urgency procedures, depending on the time available before the decision needs to be taken: the Rule 15 General Exception Urgency procedure and the Rule 16 Special Urgency procedure for use in more urgent cases. Use of the latter procedure is required to be reported back to full Council.

3.0 SPECIAL URGENCY PROCEDURE

- 3.1 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 Chairman of the body making the decision, obtains the written agreement of the Chairman of a relevant overview and scrutiny committee that the making of the decision is urgent and cannot reasonably be deferred. If there is no Chairman of a relevant overview and scrutiny committee, or if the Chairman of the relevant overview and scrutiny committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice.

16.2 As soon as reasonably practicable after the decision maker has obtained agreement under Rule 16.1 above, s/he 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.

- 3.2 Access to Information Procedure Rule 17 then includes provision for the reporting back to full Council on the use of the Rule 16 Special Urgency Procedure:

17.3 Reports on special urgency decisions

17.3.1 The Leader will submit to the next meeting of the Council, a report on any executive decisions taken in the circumstances set out in Rule 16 (special urgency). The report must include particulars of the decision, a summary of the matters in respect of which the decision was made, the reasons for it and the reasons for use of the special urgency procedure.

17.3.2 The Leader must submit at least one report under 17.3.1 annually to Council.

3.3 This report, therefore, provides the report back to full Council on the use of the Rule 16 Special Urgency Procedure since the Council's last meeting.

4.0 USE OF SPECIAL URGENCY PROCEDURE

4.1 The use of special urgency procedures since the last meeting of the County Council on 17 February 2021, is as summarised below:

4.2 **17 November 2021 - Local Government Review – Draft Structural Changes Order**
Following the Leader's decision on 21 September 2021 with regard to the consultation response on the preferred contents of the Structural Change Order, the Department of Levelling Up, Housing and Communities wrote to the eight Councils in North Yorkshire on 3 November 2021 with a copy of a draft SCO for comments. The deadline for responding to the consultation on the drafting of the SCO was 17 November 2021. The special urgency procedure was followed to allow the Council to respond within the two week deadline set by Government.

A copy of the decision record can be accessed via the following link – [Decision - Local Government Review – Draft Structural Changes Order | North Yorkshire County Council](#)

4.3 **4 January 2022 – Domestic Abuse Safe Accommodation draft strategy**
At the meeting of the informal Executive on 7 December 2021, the Executive delegated the approval of the Domestic Abuse Safe Accommodation draft strategy to the Leader (a decision that was made by the Chief Executive Officer in consultation with the Executive). The decision to approve the Strategy was made by the Leader, at a meeting with Neil Irving Assistant Director Policy Partnerships and Communities, on 4 January 2022, ahead of being published on 5 January 2022.

The special urgency procedure was followed to allow the Council to submit the strategy within the deadline set by Government.

A copy of the decision record can be accessed via the following link - [Decision - Domestic Abuse Safe Accommodation – Draft Strategy | North Yorkshire County Council](#)

4.4 **11 January 2022 – HCV/NYCC funding for care workers**
At the meeting of the informal Executive, it was resolved to distribute grants to Care Providers, utilising money from Government and the NHS locally, with the aim of supporting recruitment and retention to the care provider workforce during the winter period December 2021 to March 2022. The decision was made by the Chief Executive Officer in consultation with the Executive.

The special urgency procedure was followed to allow the distribution of the funding as soon as possible

A copy of the decision record can be accessed via the following link - [Decision - HCV/NYCC Funding for Care Workers | North Yorkshire County Council](#)

4.5 **11 January 2022 - Adult Social Care Governance and Prioritisation**
At the meeting of the informal Executive, it was resolved to enable urgent decision making regarding adult social care services to be taken during the winter period, where needed to ensure the urgent prioritisation and delivery of services to the public in a timely and efficient manner and to respond to public need. The decision was made by the Chief Executive Officer in consultation with the Executive.

The special urgency procedure was followed to allow these measures to be put in place as soon as possible to enable an effective response to the pandemic.

A copy of the decision record can be accessed via the following link - [Decision - Adult Social Care Governance and Prioritisation | North Yorkshire County Council](#)

4.6 **14 February 2022 – Authorisation to apply for DfE funding for Skills Boot camps (York and North Yorkshire Local Enterprise Partnership)**

The Department for Education launched a prospectus for skills boot camp funding in mid-January, with a deadline of 15 February 2022 to apply. The application is for £2.2m.

The special urgency procedure was followed to allow the LEP to submit their application for funding within the deadline set by Government.

The Forward Plan entry can be accessed via the following link - [Issue details - Funding Application to Department for Education Skills for Boot Camps | North Yorkshire County Council](#)

5.0 **FINANCIAL IMPLICATIONS**

5.1 There are no significant financial implications arising from this report.

6.0 **LEGAL IMPLICATIONS**

6.1 The legal implications are set out in the body of this report.

7.0 **CLIMATE CHANGE IMPLICATIONS**

7.1 There are no significant climate change implications arising from this report.

8.0 **EQUALITIES IMPLICATIONS**

8.1 There are no significant equalities implications arising from this report.

9.0 **CONSULTATION**

9.1 Consultation has been undertaken with relevant officers and Members prior to the use of the Rule 16 special urgency procedure.

10.0 **REASONS FOR RECOMMENDATIONS**

10.1 To report back to full Council on the use of the Rule 16 Special Urgency Procedure in compliance with the Access to Information Procedure Rules.

11.0 RECOMMENDATION

11.1 That full Council receives and notes this report.

COUNTY COUNCILLOR CARL LES
Leader of the Council
Background Papers: None
1 February 2022