

NORTH YORKSHIRE COUNTY COUNCIL

18 May 2022

Report on Special Urgency and Call-in Exemption decisions under Access to Information Procedure Rule 16 and Overview and Scrutiny 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 and call-in exemption procedures under Access to Information Procedure Rule 16 and Overview and Scrutiny Procedure Rule 16 since the Council's last meeting.

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.
- 2.3 The Overview and Scrutiny Procedure Rules in the Constitution set out a call-in exemption process, use of which is also reported back to Council.

3.0 SPECIAL URGENCY AND CALL IN EXEMPTION PROCEDURES

- 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 Under Overview and Scrutiny Procedure Rule 16(h):

(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 Chairman 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 Chairman, the Vice-Chairman'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.

3.4 This report therefore provides the report back to full Council on the use of the special urgency and call-in exemption procedures since the Council's last meeting.

4.0 USE OF SPECIAL URGENCY AND CALL IN EXEMPTION PROCEDURES

4.1 The use of special urgency and call-in exemption procedures since the last meeting of the County Council on 16 February 2022, is as summarised below. Details of the decisions taken under the procedures can be accessed via the hyperlinks:

- Local Electric Vehicle Infrastructure Funding - Expression of Interest - [Issue details - Local Electric Vehicle Infrastructure Funding - Expression of Interest | North Yorkshire County Council](#)
- Acceptance of a Grant in 2022/23 from DLUHC for the provision of support within Domestic Abuse Safe Accommodation - [Issue details - Acceptance of a Grant in 2022/23 from DLUHC for the provision of support within Domestic Abuse Safe Accommodation | North Yorkshire County Council](#)
- Household Support Grant [Issue details - Household Support Grant | North Yorkshire County Council](#)
- Extension of multiple contracts for SEN Home to School Transport - [Issue details - Extension of multiple contracts for SEN Home to School Transport | North Yorkshire County Council](#)
- Acceptance of Grant funding for SME Business Support via (York and North Yorkshire Local Enterprise Partnership) - [Issue details - Acceptance of Grant funding for SME Business Support via \(York and North Yorkshire Local Enterprise Partnership\) | North Yorkshire County Council](#)
- Consultation on a Proposed Draft Direction under Section 24 of the Local Government and Public Involvement in Health Act in the context of local government reorganisation - [Issue details - Consultation on a Proposed Draft Direction under Section 24 of the Local Government and Public Involvement in Health Act in the context of local government reorganisation | North Yorkshire County Council](#)
- Homes for Ukraine - [Issue details - Homes for Ukraine | North Yorkshire County Council](#)
- Property Consultancy Services Contract (call in exemption notice) - [Issue details - Property Consultancy Services Contract | North Yorkshire County Council](#)

- Creation of a £580k reserve for the surfacing and painting of Whitby Swing bridge and the reconstruction of Marage Path retaining wall - [Issue details - Creation of a £580k reserve for the surfacing and painting of Whitby Swing bridge and the reconstruction of Marage Path retaining wall | North Yorkshire County Council](#)
- Local Transport Authority Capacity Grant - Acceptance of DfT funding - [Issue details - Local Transport Authority Capacity Grant - Acceptance of DfT funding | North Yorkshire County Council](#)
- 2022/23 Early Years Funding Formula - [Issue details - 2022/23 Early Years Funding Formula | North Yorkshire County Council](#)
- Adoption of Minerals and Waste Joint Plan (call in exemption notice) - [Issue details - Adoption of Minerals and Waste Joint Plan | North Yorkshire County Council](#)
- Application for DfE funding for Skills Bootcamps (Y&NY LEP) (Rule 15 and call in exemption notice) - [Issue details - Funding Application to Department for Education Skills for Boot Camps | North Yorkshire County Council](#)
- Disapplication Request - School Improvement Funding (Rule 15 and call in exemption notice) - [Issue details - Disapplication Request - School Improvement Funding | North Yorkshire County Council](#)
- Approval of procurement of YNY LEP Skills Bootcamps - [Issue details - YNY LEP Skills Bootcamps | 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 There are no significant legal implications arising from this report.

7.0 **CLIMATE CHANGE IMPLICATIONS**

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

8.0 **CONSULTATION**

8.1 Consultation has been undertaken with relevant officers and Members prior to the use of the special urgency and/or call-in exemption procedures.

9.0 **REASONS FOR RECOMMENDATIONS**

9.1 To report back to full Council on the use of the special urgency and call-in exemption procedures in compliance with the Access to Information Procedure Rules and Overview and Scrutiny Procedure Rules.

10.0 **RECOMMENDATION**

10.1 That full Council receives and notes this report.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

Background Papers: None

10 May 2022