

# NORTH YORKSHIRE COUNTY COUNCIL

16 November 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 in respect of decisions taken 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 At the time of writing this report, the use of special urgency and call-in exemption procedures in relation to decisions taken since the last meeting of the County Council on 20 July 2022, is as summarised below. Full details of the decisions taken under the procedures and the reasons for them along with the reasons for using the special urgency and/or call in exemption procedures can be accessed via the hyperlinks:

- i. DfT Capability and Ambition Funding - authorisation for bid submission  
Special Urgency and Call in exemption  
[Decision - DfT Capability and Ambition Funding - authorisation for bid submission | North Yorkshire County Council](#)
- ii. Re-procurement of a Management Information System (MIS) and Financial Accounting System (FAS) framework for Schools  
Call in exemption  
[Issue details - Re-procurement of a Management Information System \(MIS\) and Financial Accounting System \(FAS\) framework for Schools | North Yorkshire County Council](#)
- iii. Consultation on Hovingham Church of England Primary Voluntary Controlled Primary School Closure Proposal  
Call in exemption (and Rule 15 General Urgency)  
[Issue details - Consultation on Hovingham Church of England Primary Voluntary Controlled Primary School Closure Proposal | North Yorkshire County Council](#)
- iv. Replacement of kitchen and dining facilities at Pickhill CE VC Primary School  
Special Urgency and Call in exemption  
[Issue details - Replacement of kitchen and dining facilities at Pickhill CE VC Primary School | North Yorkshire County Council](#)
- v. North Yorkshire Investment Zones  
Special Urgency and Call in exemption  
[Issue details - North Yorkshire Investment Zones | North Yorkshire County Council](#)

- vi. Adjournment of Public Meetings during the National Mourning period following the death of Her Majesty Queen Elizabeth II  
Special Urgency and Call in exemption  
[Issue details - Adjournment of Public Meetings during the National Mourning period following the death of Her Majesty Queen Elizabeth II | North Yorkshire County Council](#)
- vii. Woodland Creation Accelerator Fund (WCAF) Bid  
Call in exemption (and Rule 15 general urgency)  
[Issue details - Woodland Creation Accelerator Fund \(WCAF\) Bid | 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.

COUNTY COUNCILLOR CARL LES  
Leader of the Council

Background Papers: None

4 November 2022