

# NORTH YORKSHIRE COUNCIL

17 May 2023

## 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 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 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.

- 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 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.

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 last meeting of full Council on 22 and 24 February 2023. Rule 15 (General Urgency) notices have also been reference where they also include call in exemption.

#### **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 full Council on 22 and 24 February 2023, 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. Council Tax Resolution for 2023/24**

Rule 16 Special Urgency

[Issue details - Council Tax Resolution Report | North Yorkshire Council](#)

On 22 February 2023, the Council was to consider a report regarding the Council Tax Resolution for 2023/24. This was a non-executive decision and was therefore not legally required to be published on the Forward Plan. In a spirit of openness and transparency, this decision was voluntarily published on the Forward Plan but not for 28 clear days. The matter required consideration by full Council on 22 February 2023 and could not reasonably be deferred, to enable the resolution to be made within the statutory timescales.

**ii. A59 Kex Gill Project Development Grant Acceptance**

Rule 16 Special Urgency and Call in exemption

[Issue details - A59 Kex Gill Project Development Grant Acceptance | North Yorkshire Council](#)

On 28 February 2023 a report providing an update on grant funding from the Department for Transport (DfT) for the A59 Kex Gill scheme and seeking acceptance of £5,883,739.00 of grant monies was considered by Executive Member for Highways and Transportation. This represented reimbursement of project development life cycle expenditure to date, to be paid the financial year ending 31 March 2023. The intention to make this key decision had not been published on the Forward Plan for the requisite 28 clear day period and required an urgent decision, to be implemented immediately, on the 28 February 2023, and could not reasonably be deferred, in order to meet the DfT 2022/23 expenditure

deadline - acceptance of the grant offer must be made by 28 February 2023. Should the call in period not be exempted, then grant monies would be lost.

iii. **Special Free School Programme – Acceptance of conditions**

Rule 16 Special Urgency and Call in exemption

[Issue details - Special Free School Programme – Acceptance of conditions | North Yorkshire Council](#)

On 7 March 2023 a report seeking approval to accept the conditions set by the Department for Education in relation to the Council's successful bid for inclusion in the Special Free School programme was considered by the Executive Member for Education and Skills. The proposed school is to be located in Northallerton and would support young people with significant SEMH needs in the Hambleton / Richmondshire area. The intention to make this key decision had not been published on the Forward Plan for the requisite 28 clear day period. It required an urgent decision on 7 March 2023, to be implemented immediately, to enable the timely consideration and progress of this matter as the Council only received confirmation that the bid for a Special Free School In Northallerton had been successful on 2 March 2023, and the Council was required to accept a number of conditions by 8 March 2023 in order to move to the next stage of the Department for Education's process.

iv. **Corporate Adobe Licences**

Rule 16 Special Urgency and Call in exemption

[Issue details - Corporate Adobe Licences | North Yorkshire Council](#)

It was anticipated that on 13 March 2023 a report would be considered by the Assistant Director for Technology seeking approval to enter into a contract for Adobe Connect licences, support and maintenance, utilising a Crown Commercial Service led aggregation exercise to meet our requirements for various Adobe licences, including Adobe Connect licences. The intention to make this key decision had not been published on the Forward Plan for the requisite 28 clear day period. It required an urgent decision to enable the timely consideration and progress of the matter as the procurement has been part of a National aggregation procurement and there had been delays in the release of the final pricing and in confirming the number of licences required. As such the Authority was in a position where it needed to raise a purchase order by 14 March 2023 to take advantage of the pricing.

v. **Local Electric Vehicle Infrastructure (LEVI) Pilot Upscaling – Acceptance of Grant**

Rule 16 Special Urgency and Call in exemption

[Issue details - Local Electric Vehicle Infrastructure \(LEVI\) Pilot Upscaling – Acceptance of Grant | North Yorkshire Council](#)

It was anticipated that on 14 March 2023 a report proposing that the Council submit an application for £1.237m for Local Electric Vehicle Infrastructure Pilot Upscaling grant funding would be considered by the Executive Member for Highways and Transportation. The report also sought delegation of authority to the Corporate Director Strategic Resources to accept the funding from the Office for Zero Emission Vehicles. The intention to make this key decision had not been published on the Forward Plan for the requisite 28 clear day period. Due to the short deadline for the return of grant acceptance documents to the Office for Zero Emission Vehicles of 15 March 2023, the matter required an urgent decision, to be implemented immediately.

vi. **Energy Efficiency Scheme**

Rule 16 Special Urgency

[Issue details - Energy Efficiency Scheme | North Yorkshire Council](#)

On 16 March 2023, the Corporate Director Business and Environmental Services considered a report seeking approval for the procurement of a supplier to deliver

an Energy Efficiency Scheme across North Yorkshire. The intention to make the key decision was published on the Forward Plan but not for the requisite 28 clear day period. The matter required an urgent decision to enable the timely consideration and progress of this matter due to the delays in lifting the embargo by the Department for Business Energy and Industrial Strategy. The procurement had to commence as soon as it was lifted in order to meet the deadlines outlined in the grant bid documentation otherwise the Council would be penalised for not meeting the outlined timescales.

**vii. Border to Coast North Yorkshire LP – Update to Governance Documents**

Rule 16 Special Urgency, private meeting urgency and Call in exemption

[Issue details - Border to Coast North Yorkshire LP – Update to Governance Documents | North Yorkshire Council](#)

On 21 March 2023, the Shareholder Committee considered a report seeking approval of the updated governance documents of Border to Coast Pensions Partnership Limited, and confirmation of who would be the shareholder representative from 1 April 2023. The intention to make the key decision had been published on the Forward Plan but not for the requisite 28 clear day period. The report also contained exempt information and the requisite notices of private meetings under Access to Information Procedure Rules 4.3 and 4.4 had not therefore been published. The governance documents having been drafted and approved by all other shareholders, the matter required an urgent decision, to be implemented immediately, to enable the timely consideration and progress of the matter, as the documents had to be signed prior to 31 March 2023.

**viii. National Supporting Families Programme 2023/2024**

Rule 16 Special Urgency and Call in exemption

[Issue details - National Supporting Families Programme 2023/2024 | North Yorkshire Council](#)

On 21 March 2023 a report seeking agreement for the Council to sign up to deliver the Supporting Families Programme in 2023/2024 was considered by the Executive Member for Children and Families, which will allow the Chief Financial Officer to authorise the Council's participation in the programme, thereby enabling the local authority to receive the allocated funding. The intention to make this key decision had not been published on the Forward Plan for the requisite 28 clear day period. The matter required an urgent decision, to be implemented immediately, as the deadline for signing up to the programme for 2023/2024 was 24 March 2023.

**ix. Acceptance of a Funding offer from the Public Sector Heat Decarbonisation Scheme Phase 3b**

Rule 16 Special Urgency and Call in exemption

[Issue details - Acceptance of a Funding offer from the Public Sector Heat Decarbonisation Scheme Phase 3b | North Yorkshire Council](#)

On 22 March 2023 a report seeking authorisation to accept an offer for external funding from the Public Sector Heat Decarbonisation Scheme Phase 3b, was considered by the Executive Member for Managing our Environment. The intention to make this key decision had not been published on the Forward Plan for the requisite 28 clear day period. This matter required an urgent decision, to be implemented immediately, due to the urgency of the timescales; the grant funding offer letter received was dated 9 March 2023 and it had to be signed within 10 business days from the date of the letter or the grant funding would expire.

**x. Initial Deployment of Household Support Fund phase 4**

Rule 16 Special Urgency and Call in exemption

[Issue details - Initial Deployment of Household Support Fund phase 4 | North Yorkshire Council](#)

On 23 March 2023 a report seeking approval for the initial deployment of a small part of the fourth Household Support Fund (HSF) allocation from the Department for Work and Pensions (DWP), was considered by the Executive Member for Corporate Services. A further report for decision would be submitted in due course, with a delivery plan for the remaining HSF allocation. The intention to make this key decision had not been published on the Forward Plan for the requisite 28 clear day period. This matter required an urgent decision, to be implemented immediately, as DWP guidance required that local authorities offer support through the Household Support Fund from 1 April 2023.

**xi. Bikeability Scheme 2023-2024 - Acceptance of Grant offer**

Rule 15 General Urgency and call in exemption

[Issue details - Bikeability Scheme 2023-2024 - Acceptance of Grant offer | North Yorkshire Council](#)

On 27 March 2023, the Executive Member for Highways and Transportation considered a report requesting that after consultation, he authorise the Corporate Director Strategic Resources to accept the Bikeability Scheme Grant offer for 2023-224 of £186,165 from the Department for Transport (DfT). The intention to make the key decision had been published on the Forward Plan but not for the full, requisite 28 clear day period. This matter required an urgent decision, to be implemented immediately, as it was anticipated that the DfT deadline for accepting the grant would be 31 March 2023, and therefore it would not meet the timescales within the normal Forward Plan notice period and there was insufficient time to allow the matter to be subject to the call in period.

**xii. Request to bid for Local Energy Advice Demonstrator Pilot Programme**

Rule 15 General Urgency and call in exemption

[Issue details - Request to bid for Local Energy Advice Demonstrator Pilot Programme | North Yorkshire Council](#)

On 13 April 2023, the Executive Member for Managing our Environment considered a report seeking permission to bid for funding from the North East and Yorkshire Net Zero Energy Hub for Local Energy Advice Demonstrator Programme funding for North Yorkshire on behalf of a local consortium of partners. The intention to make the key decision had been published on the Forward Plan but not for the full, requisite 28 clear day period. This matter required an urgent decision, to be implemented immediately, as the fund was only launched in late March with a short window to bid for funding by 21st April 2023.

**xiii. Phase 4 Public Sector Low Carbon Skills Fund – Grant Application**

Rule 15 General Urgency and call in exemption

[Issue details - Phase 4 Public Sector Low Carbon Skills Fund – Grant Application | North Yorkshire Council](#)

On 25 April 2023, the Corporate Director of Resources considered a report seeking authorisation to submit a grant application to the Phase 4 Public Sector Low Carbon Skills Fund. The intention to make the key decision had been published on the Forward Plan but not for the full, requisite 28 clear day period. The funding was announced on 28 March 2023 and the application portal was to open on 26 April 2023. Applications would be considered on a first come first served basis and the portal would close once oversubscribed. The matter therefore required an urgent decision, implemented immediately as the Council's application would need to be submitted first thing on 26 April 2023, leaving insufficient time for call-in.

**xiv. Levelling Up Fund – Catterick Garrison Town Centre Regeneration project**

Call in exemption

[Issue details - Levelling Up Fund – Catterick Garrison Town Centre Regeneration project | North Yorkshire Council](#)

It is anticipated that on 30 May 2023 a report seeking acceptance for the following, will be considered by the Executive.

1. To accept the Levelling Up Fund grant from the Department for Levelling Up, Housing and Communities for the Catterick Garrison Town Centre Regeneration Project;
2. Delegate authority to Corporate Director Community Development to enter into a Memorandum of Understanding with the Department for Levelling Up, Housing and Communities setting out the principles which will apply to administration and delivery of the Catterick Garrison Town Centre Regeneration Project; and
3. Delegate authority to Corporate Director Community Development to authorise acceptance of minor changes to the grant conditions in discussion with the Executive Member for Open to Business and the Corporate Director for Resources.

The intention to make this key decision has been published on the Forward Plan for the requisite 28 clear day period. This matter requires an urgent decision, to be implemented immediately, in order to meet the extended deadline of 30 May 2023, as set by the Department for Levelling Up, Homes and Communities for acceptance of the grant and entry into the Memorandum of Understanding to enable receipt of payment in July.

## **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 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.

COUNCILLOR CARL LES  
Leader of the Council

Background Papers: None

28 April 2023.