

# NORTH YORKSHIRE COUNCIL

19 July 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 17 May 2023. Rule 15 (General Urgency) notices have also been referenced 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 17 May 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.

##### **Draft Adult learning and Skills Service Accountability Statement 2023/24**

Rule 16 Special Urgency and Call in Exemption

[Decision - Draft Adult learning and Skills Service Accountability Statement 2023/24' | North Yorkshire Council](#)

On 30 May 2023, the Executive Member for Education, Learning and Skills considered a report seeking approval for the draft Annual Accountability Statement for submission to the Department of Education. The deadline for submission was 31 May 2023. Due to the tight timescales involved it was not possible for details of this key decision to be published on the Forward Plan for the requisite 28 clear day period and the decision could not be subject to 'call in'.

##### **Supported Internship Grant-Department for Education**

Rule 16 Special Urgency and Call in Exemption

[Decision - Supported Internship Grant-Department for Education | North Yorkshire Council](#)

On 30 May 2023, the Executive Member for Education and Skills considered a report seeking approval to accept Grant funding from the Department of Education for the purposes of supporting an employment forum and development of additional Supported Internships for young people with SEND. This then allowed the Chief Financial Officer to authorise the acceptance of the grant. The deadline for submission was 5 June 2023. Due to the tight timescales involved it was not possible for details of this key decision to be published on the Forward Plan for the requisite 28 clear day period and the decision could not be subject to 'call in'.

### **North Yorkshire Test & Learn Pilot Programme (Health & Youth Justice)**

Rule 16 Special Urgency and Call in Exemption

[Decision - North Yorkshire Test & Learn Pilot Programme \(Health & Youth Justice\) | North Yorkshire Council](#)

On 13 June 2023, the Executive Member for Children's Services considered a report seeking authorisation of an NYC agreement to accept the North Yorkshire Test and Learn Pilot Programme (Health and Youth Justice) Grant for the following financial years 2023/2024, and 2024/25. This then allowed the Chief Financial Officer to authorise the acceptance of the grant. Due to the tight timescales involved it was not possible for details of this key decision to be published on the Forward Plan for the requisite 28 clear day period and the decision could not be subject to 'call in'.

### **Mobile Library**

Rule 16 Special Urgency and Call in Exemption

[Decision - Mobile Library | North Yorkshire Council](#)

On 19 June 2023, the Corporate Director of Community Development considered a report seeking approval to submit an expression of interest for grant funding of £150,000 for the transformation of the Mobile Library Service. The deadline for submission was 19 June 2023. Due to the tight timescales involved it was not possible for details of this key decision to be published on the Forward Plan for the requisite 28 clear day period and the decision could not be subject to 'call in'.

### **English National Concessionary Travel Scheme (ENCTS) - Procurement of Back Office Systems**

Rule 16 Special Urgency and Call in Exemption

[Decision - English National Concessionary Travel Scheme \(ENCTS\) - Procurement of Back Office Systems | North Yorkshire Council](#)

On 20 June 2023, the Corporate Director of Environment considered a report seeking approval to re-procure back office systems that support the issuing of concessionary bus passes, as a statutory duty of the Council. The matter was decision was urgent as there was a need to get to the market as early as possible and allow maximum mobilisation time to integrate new software with current council systems. Due to the tight timescales involved it was not possible for details of this key decision to be published on the Forward Plan for the requisite 28 clear day period and the decision could not be subject to 'call in'.

### **Local Transport Fund - Grant Acceptance**

Rule 15 Urgency and Call in Exemption

[Decision - Local Transport Fund - Grant Acceptance | North Yorkshire Council](#)

On 23 June 2023, the Executive Member for Highways and Transportation considered a report seeking approval for the acceptance of grant funding of £359,000 provided by the Department for Transport (DfT) to support the local bus network. The deadline for the acceptance of the grant was 30 June 2023. Due to the tight timescales involved it was not possible for details of this key decision to be published on the Forward Plan for the requisite 28 clear day period and the decision could not be subject to 'call in'.

### **Local Authority Housing Fund**

Rule 15 Urgency and Call in Exemption

[Decision - Local Authority Housing Fund | North Yorkshire Council](#)

On 18 July 2023, the Executive will consider a report regarding an indicative allocation under Local Authority Housing Fund 2 made to North Yorkshire Council of £1,334,775 for a minimum of 11 homes of a size and location most needed in the local authority area. In order to accept the funding, the Council is required to enter into a Memorandum of Understanding by 14 August 2023. Due to the tight timescales involved it was not possible for details of this key decision to be published on the Forward Plan for the requisite 28 clear day period and the decision could not be subject to 'call in'.

## **5.0 FINANCIAL IMPLICATIONS**

5.1 The financial implications are considered in the report and the linked decision records.

## **6.0 LEGAL IMPLICATIONS**

6.1 The legal implications are considered in the report and the linked decision records.

## **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 urgency and/or call-in exemption procedures.

## **10.0 REASONS FOR RECOMMENDATIONS**

10.1 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.

## **11.0 RECOMMENDATION**

11.1 That full Council receives and notes this report.

COUNCILLOR CARL LES  
Leader of the Council

11 July 2023

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### **Background Documents:**

The Council Constitution - [NYCConstitutionVersion2May2023.pdf \(northyorks.gov.uk\)](#)

**Note:** Members are invited to contact the author in advance of the meeting with any detailed queries or questions.