

NORTH YORKSHIRE COUNCIL

15 November 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 19 July. 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 19 July 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.

Afghan Relocations and Assistance Policy: use of additional MOD properties –for Afghan ARAP families in Afghanistan and third countries

Rule 16 Special Urgency

[Decision - Afghan Relocations and Assistance Policy: use of additional MOD properties –for Afghan ARAP families in Afghanistan and third countries | North Yorkshire Council](#)

On 26 September 2023, the Executive Member Corporate Services considered a report seeking approval to use additional MoD SFA properties in North Yorkshire to accommodate eligible ARAP individuals and their family members currently residing abroad, in response to an urgent request from the Home Office. This matter required an urgent decision and could reasonably be deferred, to enable the timely consideration and progress of this matter because Afghan ARAP/ACRS households were at humanitarian risk in Afghanistan and third countries, and the bridging hotel accommodation had closed, meaning arrangements could not be made for eligible families to come to the UK unless they had the offer of housing in the UK. MOD SFA properties offered an immediate solution to allow this to happen for some Afghan ARAP households. As a result it was not possible for details of this key decision to be published on the Forward Plan for the requisite 28 clear day period.

Application for funding from the Public Sector Heat Decarbonisation Scheme Phase 3c

Rule 16 Special Urgency and Call in Exemption

[Decision - Application for funding from the Public Sector Heat Decarbonisation Scheme Phase 3c | North Yorkshire Council](#)

On 3 October 2023, the Executive Member for Managing our Environment considered a report seeking permission to submit a grant application for funding from the Public Sector Heat Decarbonisation Scheme Phase 3c. This is a fund for works to corporate buildings to replace heating systems with low carbon technology. Due to the timescales around pulling the feasibilities together for the application, the costs for those were late to become known

and the grant application needed to be submitted as soon as the grant portal opened on Tuesday 10 October 2023, as the portal becomes oversubscribed almost as soon as it opens. It was therefore 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'.

LA delivery support funding to enable the implementation and delivery of the government expansion of the Early Years entitlements offer

Rule 16 Special Urgency and Call in Exemption

[Decision - LA delivery support funding to enable the implementation and delivery of the government expansion of the Early Years entitlements offer | North Yorkshire Council](#)

On 23 October 2023, the Executive Member for Education, Learning & Skills considered a report seeking approval to accept a S31 Grant for local authority delivery support funding to support delivery of the expanded early years entitlements from April 2024. The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred by them, to effectively roll out the new expanded Early Years entitlements offer. 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'.

Department for Education Grant - Wraparound Childcare Programme Costs 2023-24, 2024-25 and 2025-26

Rule 16 Urgency and Call in Exemption

[Issue details - Department for Education Grant - Wraparound Childcare Programme Costs 2023-24, 2024-25 and 2025-26 | North Yorkshire Council](#)

On 7 November 2023 the Executive considered a report seeking approval for Local Authority acceptance of the Department for Education (DfE) Grant in respect of Wraparound Childcare Programme Costs for 2023-24, 2024-25 and 2025-26, will be considered by the Executive. The total value of the grant is £4,328,415. The DfE required the Grant Memorandum of Understanding (MoU) to be signed by the LA Section 151 Officer and returned by 17 November 2023 in order for the 2023/24 payment instalment to be paid in December 2023. The Council therefore needed to progress the matter within a short timeframe, and as a consequence the matter could not be subject to the call in period.

Submission of application to Sport England Swimming Pool Support Fund

Rule 15 Urgency and Call in Exemption

[Decision - Submission of application to Sport England Swimming Pool Support Fund | North Yorkshire Council](#)

On 9 August 2023, the Executive Member for Culture, Arts & Housing considered a report seeking permission to submit an application to Sport England's Swimming Pool Support Fund for swimming pools in North Yorkshire. The scheme was designed to support swimming pools that continued to be affected by significant rises in utility costs and swimming pool chemical costs. There were 16 Council owned swimming pools in North Yorkshire, but the application submitted was for all North Yorkshire owned swimming pools and community/charity partner swimming pools, in line with the requirements of the funding process. 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'.

Active Travel England Capability Fund Acceptance 2023/24

Rule 15 Urgency and Call in Exemption

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

On 3 October 2023, the Corporate Director for Environment considered a report seeking acceptance of an offer of £110,390 of revenue funding from Active Travel England's Capability Fund 2023/24. Active Travel England required the grant acceptance to be signed by the section 151 officer and returned by 06 October 2023. North Yorkshire Council was only informed on 13 September 2023, therefore the Council needed to progress the matter within a short timeframe. 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'.

Department of Science, Innovation and Technology (DSIT) 5G Innovation Region Bid

Call in Exemption

[Decision - Department of Science, Innovation and Technology \(DSIT\) 5G Innovation Region Bid. | North Yorkshire Council](#)

On 4 September 2023 the Executive Member for Open to Business considered a report regarding a grant application to the Department of Science, Innovation and Technology (DSIT) for the 5G Innovation Region Bid. The intention to make the key decision was published on the Forward Plan for the requisite 28 clear day period, but the matter required an urgent decision, to be implemented immediately, in order to meet the DSIT deadline of 10 September 2023, therefore the decision could not be subject to 'call in'.

Neighbourhood Planning – Making of the Bradleys Both Neighbourhood Development Plan

Call in Exemption

[Issue details - Neighbourhood Planning – Making of the Bradleys Both Neighbourhood Development Plan | North Yorkshire Council](#)

on 19 September 2023 the Executive considered a report presenting both the results of the Bradleys Both Neighbourhood Development Plan referendum and the requirements of North Yorkshire Council as the Local Planning Authority to formally 'make' the Bradleys Both Neighbourhood Development Plan, and the Regulation 19 Decision Statement, which sets out the Local Planning Authorities' decision in terms of making or adopting the Bradleys Both Neighbourhood Development Plan and the reasons for making that decision. The Council needed to meet the legal requirement to make the Bradleys NDP within 8 weeks from the date of the referendum i.e., by 22 September 2023. To achieve this, the report went to Executive on the 19 September 2023, with the recommendation that the decision be taken by the Chief Executive under his emergency powers on or before the 22 September 2023, followed by a report to the next Council meeting detailing the reasons for urgency. In order to meet the legal requirement, the decision could not be subject to the usual 5 day 'call in' period.

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

3 November 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.