

# NORTH YORKSHIRE COUNCIL

21 February 2024

## 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 15 November 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.

##### **Accommodation for Unaccompanied Asylum Seeking Children and current looked after children – Knaresborough**

Rule 16 Special Urgency and Call in Exemption

[Decision - USE OF PROPERTIES IN KNARESBOROUGH FOR UNACCOMPANIED ASYLUM SEEKING CHILDREN \(UASC\) AND OR MOVE ON ACCOMMODATION | North Yorkshire Council](#)

On 8 November 2023, the Executive Member for Finance & Resources, considered a request that properties 80a, 82a, 82b and 82c High Street, Knaresborough be taken off the open market, to offer immediate accommodation to meet the current needs of Children and Young Peoples Services (CYPS) for Unaccompanied Asylum Seeking Children (UASC), or as an alternative move on accommodation for current looked after children, in order to free up accommodation already allocated in order to house UASC. The matter required an urgent decision and could not reasonably be deferred, as North Yorkshire Council is under a legal obligation to house Unaccompanied Asylum Seeking Children, and at that time there were 8 children on the national transfer list and 12 in hotels. An urgent decision was necessary in order to fulfil the Council's legal obligation, any delay of which might have led to a judicial review.

##### **Re: YPO Procurement Holdings Limited – Approval of Business Plan**

Rule 16 Special Urgency and Call in Exemption

[Decision - YPO Procurement Holdings Limited – Approval of 2024 Business Plan | North Yorkshire Council](#)

On 13 December 2023 the Leader of the Council under his urgency decision making powers set out in the Executive Members' Delegation Scheme, considered a report presenting information regarding the YPO Procurement Holding Limited – 2024 Business Plan asking that he approve the 2024 Business Plan as per the written resolution proposed by the directors of YPO Procurement Holding Limited, in which the Council is a shareholder. This

matter required an urgent decision in order to meet the signature deadline of 5pm on 13 December 2023.

### **Fees and Charges - Hackney Carriage and Private Hire Licensing**

Rule 16 Special Urgency

On 26 January 2024 the Corporate Director for Environment was scheduled to consider a report regarding a proposed variation to hackney carriage and private hire licence fees and to approve the publication of the relevant statutory notices, with or without amendments. A Rule 16 special urgency Notice was published but a decision was subsequently taken to push back the decision to 15 March 2024.

### **Revenue Budget for 2024/25 and Medium Term Financial Strategy to 2026/27 - Revision following additional Government funding**

Rule 16 Special Urgency

On 6 February 2024 the Executive considered a report presenting revised recommendations to Council following the announcement of additional funding for local government on 24 January 2024. The Revenue Budget report and MTFs was first considered by the Executive on the 23 January 2024, and a number of recommendations were endorsed at that time. However, in light of the additional funding those recommendations were subsequently revised, and the Executive was asked to re-consider and endorse those revised recommendations prior to them being considered at this Full Council meeting.

### **Procurement of Sub-Contractors for Affordable housing development at Church Close Sharow**

Rule 15 Urgency and Call in Exemption

On 19 February 2024 the Assistant Director – Housing considered a report seeking approval to tender for contractors to develop a site at Church Close Sharow for Council owned Social Housing. The annual budget allowance for that work is £375,000, and the contract will likely be for around 1 year, although extensions will be given if the build process takes longer than anticipated. This matter required an urgent decision as the Council already had Homes England grant funding of £120k and LRF funding of £30k for the site, but the site had been delayed due to LGR and the Council was at risk of losing that funding if it did not make a start on this site and complete by March 2024.

### **Procurement of Sub-Contractors for rough sleepers move on accommodation at Woodfield Close, Harrogate**

Rule 15 Urgency and Call in Exemption

On 19 February 2024 the Assistant Director - Housing considered a report seeking approval to tender for contractors to develop a site at Woodfield Close, Harrogate, for rough sleepers move on accommodation. The annual budget allowance for this work is £375,000 and the contract will likely be for around 1 year although extensions will be given if the build process takes longer than anticipated. This matter required an urgent decision as the Council already had DLUHC grant funding of £60k and LRF funding of £20k for the site, but the site had been delayed due to LGR and the Council was at risk of losing that funding if it did not complete the works by March 2024.

### **Urgent and Emergency Care Support Fund for local authorities - grant acceptance for up to £1.1m funding**

Call-in Exemption

[Decision - Urgent and Emergency Care Support Fund for local authorities - grant acceptance for up to £1.1m funding | North Yorkshire Council](#)

On 22 November 2023 the Executive Member for Health & Adult Services was asked to approve the commencement of preparations for the winter period. It was anticipated that an exemption of the call in period was required, to enable the decision to be implemented immediately given that there had been a delay in the Council being informed of the success of its bid application, and the overall timescales involved, including that of the spending of the funding by 31 March 2024.

**National Institute for Health and Care Research (NIHR) for a Health Determinants Research Collaboration (HDRC)**

Call-in Exemption

[Decision - National Institute for Health and Care Research \(NIHR\) for a Health Determinants Research Collaboration \(HDRC\) | North Yorkshire Council](#)

On 20 December 2023 a report was considered by the Executive Member for Health & Adult Services seeking acceptance of grant funding of £5,050,482.11 to support the establishment and delivery of a NIHR Health Determinants Research Collaboration North Yorkshire for 5-years (January 2024- December 2028). NIHR required the contract to start on 1 January 2024 which did not allow sufficient time for the formal decision-making process. The decision was therefore taken by the Executive Member for Health and Adult Services under his power in the Executive Members' Delegation Scheme, after consultation with the relevant Chief Officer to determine any Executive matter which is of such urgency that it is not practicable to refer it to the Executive for determination.

**Request to bid for Social Housing Decarbonisation Grant (wave 2.2)**

Call-in Exemption

[Decision - Request to bid for Social Housing Decarbonisation Fund Wave 2.2 | North Yorkshire Council](#)

On 9 January 2024 the Corporate Director for Resources considered a report seeking authorisation to submit a bid for Social Housing Decarbonisation Funding. The Council was able to bid for Wave 2.2 of the fund which had an anticipated bidding date of 19 January 2024 but this required an exemption of the call in period, to enable the decision to be implemented immediately.

**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

9 February 2024

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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.