

# NORTH YORKSHIRE COUNCIL

15 May 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 at Rule 16, 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 21 February 2024, 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.

##### **Contract Extension for Hard Facilities Management Mechanical Equipment and Plant: Servicing and Responsive Maintenance**

Rule 16 Special Urgency & Call in Exemption

[Decision - Contract Extension for Hard Facilities Management Mechanical Equipment and Plant: Servicing and Responsive Maintenance | North Yorkshire Council](#)

On 26 March 2024 the Assistant Director - Property, Procurement & Commercial considered a report seeking contract extensions for Hard Facilities Management Mechanical Equipment and Plant: Servicing and Responsive Maintenance from 1st April until 30th June 2024. A procurement exercise established new contracts for Hard Facilities Management Mechanical Equipment and Plant: Servicing and Responsive Maintenance, as the contracts established by the former County Council were due to expire on the 31 March 2024. The new contracts include provision to provide all relevant servicing and maintenance for additional Council properties as other (ex district and borough) contract arrangements expire, as well as provision for Property's Traded Service Property Solutions clients.

##### **Contract Extension for Hard Facilities Management Water Hygiene: Risk Assessment, Monitoring and Works**

Rule 16 Special Urgency & Call in Exemption

[Decision - Contract Extension for Hard Facilities Management Water Hygiene: Risk Assessment, Monitoring and Works | North Yorkshire Council](#)

On 26 March the Assistant Director - Property, Procurement & Commercial considered a report seeking contract extensions for Hard Facilities Management Water Hygiene: Risk Assessment, Monitoring and Works from 1 April 2024 until 30 June 2024. A procurement exercise had taken place to establish new contracts for Hard Facilities Management Water Hygiene: Risk Assessment, Monitoring and Works, to replace the existing contracts established by the former County Council that were due to expire on 31 March 2024. The new contracts included provision to provide all relevant servicing and maintenance for

additional Council properties as other (ex district) contract arrangements expired, as well as provision for Property's Traded Service Property Solutions clients.

### **Appointment of an Independent Chair of Scarborough Town Board & Confirmation of the creation of the Board**

Rule 16 Special Urgency & Call in Exemption

[Decision - Appointment of the Chair for Scarborough Town Board | North Yorkshire Council](#)

On 28 March 2024 the Leader of the North Yorkshire Council considered a report seeking permission to invite David Kerfoort CBE DL to become the Independent Chair for the Scarborough Town Board and to confirm the creation of the Board. The Department of Levelling Up, Housing and Communities required confirmation of the Scarborough Town Deal Board, including its chair, by 1 April 2024.

### **Libraries Improvement Fund Grant Acceptance for New Mobile Library**

Rule 16 Special Urgency & Call in Exemption

[Decision - Libraries Improvement Fund grant acceptance for a new mobile library | North Yorkshire Council](#)

On 28 March 2024 the Assistant Director Resources considered a report seeking acceptance of grant funding from Arts Council England for a grant totalling £150,000 for a new mobile library. Arts Council England only made a national announcement about the recipients of the latest round of LIF funding at the end of March, so North Yorkshire Council needed to make an urgent decision to accept the grant funding ahead of the national publicity.

### **Social Housing Decarbonisation Grant (wave 2.2)**

Rule 16 Special Urgency & Call in Exemption

[Decision – Social Housing Decarbonisation Grant \(wave 2.2\)](#)

On 8 April 2024 the Executive Member for Culture, Arts & Housing considered a report regarding an offer to NYC of a Social Housing Decarbonisation Fund grant of £1,772,000. This provided financial support of up to 50% for housing retrofit measures to Council owned stock. To accept the grant, the Grant Offer Letter and associated documents had to be signed and returned by 9 April 2024.

### **Review of Fees and Charges 2024/25 for Highways & Transportation, Parking Services, Street Scene and Parks and Grounds**

Rule 16 Special Urgency

[Decision - Review of Fees and Charges 2024/25 for Highways & Transportation, Parking Services, Street Scene and Parks and Grounds | North Yorkshire Council](#)

on 1 March 2024, the Corporate Director of Environment considered a report seeking approval for a review of the fees and charges for 2024/25 for Highways & Transportation, Parking Services, Street Scene and Parks and Grounds, in line with the Corporate Fees and Charges Strategy.

This decision was originally taken on 26 January 2024 but there was a publication error resulting in the report not being available to the public 5 clear working days before the decision was taken. This decision therefore needed to be retaken under urgency procedures to allow sufficient time to give notice of the proposed increase in fees and charges, and to enable the implementation of that with effect 1 April 2024.

### **Swing Bridge Maintenance Contract**

Rule 16 Special Urgency

[Decision - Swing Bridge Maintenance Contract | North Yorkshire Council](#)

On 4 April 2024, the Corporate Director of Environment considered a report seeking the procurement and awarding of a 2-year NEC 4 term service maintenance contract for Cawood Swing Bridge, A19 Toll Bridge, A63 Bypass Swing Bridge and Whitby Swing Bridge. The existing maintenance contracts could not be extended due to their large value and there was a need to procure for a new contract as soon as possible as the target deadline for publishing tenders was 22 March 2024.

## **Planned Kitchen and Bathroom Upgrades**

Rule 15 Urgency & Call-in Exemption

[Decision - Planned Kitchen and Bathroom Upgrades | North Yorkshire Council](#)

On 23 February 2024, the Assistant Director for Housing considered a report seeking authorisation to undertake the procurement for the Planned Kitchen and Bathroom Upgrades contract. The procurement recommendation was to use a further competition on the Efficiency North General Building Works DPS - lot 28 for kitchen and bathroom upgrades. Two contracts were to be procured to cover the requirements. A timely decision was required to progress the matter and ensure there was enough time to complete procurement before the existing contract expired following the changes to the procurement direction.

### **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

7 May 2024

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#### **Background Documents:**

The Council Constitution – [NYC Constitution - Version 6 - April 2024.pdf \(northyorks.gov.uk\)](#)

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