

NORTH YORKSHIRE COUNCIL

24 July 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 15 May 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.

4.1.1 Consultation on changes to the Council's Home to School Travel Policy

Overview and Scrutiny Procedure Rule 16 – Call in Exemption

On 16 July 2024 the Executive will consider a report detailing the outcome of a consultation on a proposed new Home to School Travel Policy for North Yorkshire. Approval will be sought for the proposed policy to move forward for adoption by the Council in July 2024. Originally the report was to have been considered in June, however the calling of the general election for 4 July meant the item needed to be deferred until after the pre-election period. To enable timely progress of the matter exemption from call-in was sought to ensure the matter could be considered by Council on 24 July.

4.1.2 Foregill Bridge – Award of Contract

Access to Information Procedure Rule 16 – Special Urgency

[Decision - Foregill Bridge - Award of Contract | North Yorkshire Council](#)

On 14 June 2024 the Assistant Director – Resources (Environment) considered a report in which approval was sought to award a contract for repair works to be carried out at Foregill Bridge, Richmond. During temporary stabilisation works, two large voids within the structure were uncovered and the structure was in a partially collapsed state and required urgent repair. A timely decision was required as to leave the structure without urgent maintenance posed a risk to public safety and potentially may have had an impact on the local area.

4.1.3 Waltonwrays – General Maintenance Works – Award of Contract

Access to information Procedure Rule 16 – Special Urgency

[Issue details - Waltonwrays, Skipton - General Maintenance Works - Award of Contract | North Yorkshire Council](#)

On 15 July the Assistant Director - Highways and Transportation, Parking Services, Parks and Grounds will consider a report seeking approval for award of contract for general maintenance works of £532,951 to PBS Construction Limited at Waltonwrays. The decision could not be deferred to enable the timely consideration and progress of the matter due to the impact of the environmental conditions. To enable co-operation with utility works the contract needed to commence and complete within a very tight timescale and to avoid greater disruption.

4.1.4 Slipper Socials – Arts Council grant funding application

Overview and Scrutiny Procedure Rule 16 – Call-in Exemption

On 24 July the Corporate Director of Community Development will consider a report in relation to the North Yorkshire library service which would like to bid for funding to deliver a series of ten 'Slipper Socials' aimed at supporting older people to live in their own homes for longer. As well as being fitted for, and gifted, anti-slip slippers, local library staff and volunteers will promote regular library activities, and clubs and societies in the area, to help combat loneliness and isolation. The decision could not be deferred as the Arts Council had indicated that the process would take approximately 8 weeks and at the request of partners it was intended to launch the programme of events to coincide with the International Day of Older people on 1 October 2024. Therefore it was not possible to give the full 28 days' notice on the forward plan and a request was made that call-in not apply.

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

16 July 2024

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Background Documents:

The Council Constitution - [NYC Constitution - Version 7 - May 2024.pdf \(northyorks.gov.uk\)](#)

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