

NORTH YORKSHIRE COUNCIL

13 November 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 24 July 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 To authorise the passing on of funding to York Music Hub and enter into the York/North Yorkshire Music Hub partnership agreements

Access to Information Procedure Rule 16 – Special Urgency

[Decision - Funding of York Music Hub and Entry into York and North Yorkshire Music Hub Partnership Agreements | North Yorkshire Council](#)

On 1 October 2024 the Executive Member for Education, Learning and Skills considered a report regarding the authorisation of the passing on of funding to York Music Hub and enter into the York/ North Yorkshire Music Hub partnership agreements. Following allocation of the grant the DfE allowed 45 days within which to gain the necessary authorisations. The means for allocation of funding and the legalities involved were complex and a considerable amount of time was spent seeking legal advice and guidance before the item could be put to the appropriate meeting of the Children and Young People's Service - Executive Members & Corporate Director for decision.

4.1.2 Household Support Fund – Phase 6

Overview and Scrutiny Procedure Rule 16 – Call-in Exemption

[Decision - Household Support Fund – Phase 6 | North Yorkshire Council](#)

On 29 October 2024 the Executive Member for Corporate Services considered a report regarding the deployment of a sixth Household Support Fund (HSF) allocation (1 October 2024 – 31 March 2025) in order to provide assistance to vulnerable and low-income households in most need of support, and to help with essential living costs over the winter

period. The matter required an urgent decision and could not reasonably be deferred, to enable the timely consideration and progress of this matter and to enable the timely consideration and implementation of this matter in order to meet the Department of Work and Pensions deadline for the submission of Household Support Fund (Phase 6) delivery plans for this phase on 1 November 2024. The intention to make the decision was not published on the Forward Plan for the requisite 28 day period and the Chair of the Corporate and Partnerships Overview and Scrutiny Committee was informed. As a consequence of the urgency of the timescales, the matter could not be subject to the call in period.

4.1.3 Procurement for the New Mobile Library

Access to Information Procedure Rule 16 – Special Urgency
Overview and Scrutiny Procedure Rule 16 – Call-in Exemption

[Decision - Procurement for the new Mobile Library | North Yorkshire Council](#)

On 14 October 2024 the Corporate Director of Community Development considered a report regarding procurement of a new mobile library as the current mobile library was approaching end of life. An urgent decision was required to enable the order for the chassis to be placed; timing of the delivery was out of the Council's control and delay would be the most likely reason for the project to fall behind schedule. To enable the matter to be progressed within a short timeframe an urgent decision was required and it was considered that any delay caused by the call-in process would seriously prejudice the Council's interest.

4.1.4 Neighbourhood Planning – Making of the Pannal and Burn Bridge Neighbourhood Development Plan

Access to Information Procedure Rule 16 – Special Urgency

[Issue details - Neighbourhood Planning – Making of the Pannal & Burn Bridge Neighbourhood Development Plan | North Yorkshire Council](#)

On 5 November 2024 the Executive considered a report presenting the results of the Pannal and Burn Bridge Neighbourhood Development Plan referendum and the requirements of North Yorkshire Council as the Local Planning Authority to formally 'make' the Pannal and Burn Bridge Neighbourhood Development Plan and approve the Regulation 19 Decision Statement. The Executive was asked to recommend to Full Council that the Pannal and Burn Bridge NDP is made and that the Decision Statement is approved.

This matter required could not reasonably be deferred, as the Neighbourhood Planning (General) Regulations 2012 (amended) required a Neighbourhood Plan to be formally 'made' by the Local Planning Authority within 8 weeks from the day following the Referendum. The Referendum for the Pannal and Burn Bridge NDP was held on Thursday 3 October 2024, which meant that the date by which the NDP was required to be made was Friday 29 November 2024. An urgent decision was required as there were less than 28 days before Executive, which was asked to recommend to Full Council that the Pannal and Burn Bridge NDP is made to meet the requirements of the Regulations.

4.1.5 Neighbourhood Planning – Making of the Malton and Norton Neighbourhood Development Plan

Access to Information Procedure Rule 16 – Special Urgency

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

On 5 November 2024 the Executive considered a report presenting the results of the Malton and Norton Neighbourhood Development Plan referendum and the requirements of North Yorkshire Council as the Local Planning Authority to formally 'make' the Malton and Norton Neighbourhood Development Plan and approve the Regulation 19 Decision Statement. The Executive was asked to recommend to Full Council that the Malton and Norton NDP is made and that the Decision Statement is approved.

This matter required could not reasonably be deferred, as the Neighbourhood Planning (General) Regulations 2012 (amended) required a Neighbourhood Plan to be formally 'made' by the Local Planning Authority within 8 weeks from the day following the Referendum. The Referendum for the Malton and Norton NDP was held on Thursday 3 October 2024, which meant that the date by which the NDP was required to be made was Friday 29 November 2024. An urgent decision was required as there were less than 28 days before Executive, which was asked to recommend to Full Council that the Pannal and Burn Bridge NDP is made to meet the requirements of the Regulations.

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

5 November 2024

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Background Documents:

The Council Constitution - [NYC Constitution - Version 8 - July 2024.pdf \(northyorks.gov.uk\)](#)

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