

NORTH YORKSHIRE COUNCIL

26 February 2025

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 13 November 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 Request to Bid for Social Housing Decarbonisation Grant (Wave 3)

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

[Decision - Request to bid for Social Housing Decarbonisation Grant \(Wave 3\) | North Yorkshire Council](#)

On 22 November 2024 the Corporate Director Resources considered a report in which approval was sought for the submission of an application for grant funding from the Social Housing Decarbonisation Fund Wave 3 which provides financial support of up to 50% for housing retrofit measures to Council owned stock. The bid value was anticipated to be up to £20.5million, with a total project cost of up to £41million. This would support housing retrofit of approximately 2700 dwellings over 3 years April 2025 to September 2028 and would form part of the Council's strategy to improve the worst performing housing stock and meet our targets of EPC C by 2030. Following an expression of interest submitted on 16 October, the Warm Homes Grant Scheme opened on 8 November for applications, with the window for submissions closing on 25 November. As a consequence of the short timescales special urgency was requested to enable a decision to be taken and the matter could not be subject to the call-in period.

4.1.2 Expression of Interest for additional funding from the Local Authority Housing Fund

Overview and Scrutiny Procedure Rule 16 – Call-in Exemption

[Decision - To submit an Expression of Interest for additional funding from the Local Authority Housing Fund | North Yorkshire Council](#)

On 16 January 2025 the Assistant Director Resources (Community Development) considered a report in which approval was sought to submit an expression of interest for additional funding from the Local Authority Housing Fund. Additional funding had been released by MHCLG to enable Local Authorities to deliver more homes both for Refugee Resettlement Schemes and for the provision of Temporary Accommodation. This was a rare opportunity to access additional funding to enable us to deliver more properties where we have a current shortage of suitable properties to meet these high priority needs. Notification had only been received from the MHCLG on 23 December 2024, with a closing date for Expressions of Interest being 17 January 2025. To enable the Council to take advantage of the opportunity the matter could not be subject to the call-in period.

4.1.3 Acquisition of Properties for Local Authority Housing Fund

Overview and Scrutiny Procedure Rule 16 – Call-in Exemption

[Decision - Acquisition of properties for Local Authority Housing Fund | North Yorkshire Council](#)

On 3 February 2025 the Deputy Leader and Executive Member for Finance and Resources considered a report seeking approval to purchase three properties from a private developer for use for the Refugee Resettlement Fund. The report was deemed urgent as there was a high risk the properties would be sold on the open market if the Council was unable to secure a commitment to purchase the properties by the beginning of February. Failure to secure these properties would put the council in a difficult position to source alternative units in the required areas of the district, and risk breaching its MOU with MHCLG as per the large resettlement requirement for the Local Authority Housing Fund. As a consequence of the urgency of the timescales the matter could not be subject to the 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

18 February 2025

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Background Documents:

The Council Constitution - [NYC Constitution - Version 9 - November 2024.pdf](#)

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