

# NORTH YORKSHIRE COUNCIL

## Full Council

12 November 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 Council on the use of the special urgency and call-in exemption procedures since the last meeting of full Council on 16 July 2025. Rule 15 (General Urgency) notices have also been referred to 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 16 July 2025, 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 Adult Skills Fund acceptance**

Access to Information Procedure Rule 16 – Special Urgency

[Issue - items at meetings - Adult Skills Fund acceptance | North Yorkshire Council](#)

On 15 July 2025 the Executive considered a report in relation to the Adult Learning aspect of the Adult Learning and Skills Service which has previously received a direct grant from the DfE / ESFA to carry out adult learning functions. This grant of £2.7m will now come via the Combined Authority under their new powers and in line with financial delegation powers within the financial regulations the decision to accept that funding must be taken by Executive. The matter could not reasonably be deferred as failure to agree funding would delay the receipt of income for the adult learning service and it will not be funded to support adult learners in the region. The intention to make the key decision was published on the Forward Plan however it was not published on the Plan for the requisite 28 day period

### **4.1.2 Brierley Homes Affordable Homes Funding**

Access to Information Procedure Rule 16 – Special Urgency

Overview and Scrutiny Procedure Rule 16 – Exemption from Call-in

[Decision - Brierley Homes Affordable Homes Funding | North Yorkshire Council](#)

On 21 July 2025 the Deputy Leader of the Council and portfolio holder for Finance and Resources considered a report seeking approval for an additional loan facility of £1.4m for Brierley Homes. The report looked at making this additional loan at base rate as it would specifically relate to delivering affordable housing above the planning policy requirements.

It had originally been anticipated that the matter would be considered by Executive on 19 August 2025, and an entry was published on the Forward plan on 18 July 2025. The urgency requirement arose due to the cashflow position of the Company with regard to recent delays encountered in the house purchase process and to enable the timely consideration and progress of this matter, to meet the interests of all parties and the wider general public interest. As a consequence of the urgency of the timescales the decision needed to be implemented immediately and could not be subject to call-in.

#### **4.1.3 Procurement of an Assistive Technology Enabled Care Services**

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

[Decision - Procurement of Assisted Technology Enabled Care Services | North Yorkshire Council](#)

On 23 July 2025 a report regarding the procurement of an assistive technology managed service was considered by the Corporate Director Health and Adult Services in consultation with the Executive Member for Health and Adult Services. The intention to make the key decision was not published on the Forward Plan however an urgent decision was required to agree a new contract as notice had been received that the existing provider of the service would cease trading on 31 July 2025. An urgent decision would ensure the continuity of the service and for this reason the decision was also exempt from call-in.

#### **5.0 FINANCIAL IMPLICATIONS**

5.1 There are no financial implications arising from this report.

#### **6.0 LEGAL IMPLICATIONS**

6.1 There are no legal implications arising from this report.

#### **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 is 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 Council receives and notes this report.

COUNCILLOR CARL LES  
Leader of the Council

4 November 2025

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### **Background Documents:**

The Council Constitution – [Constitution, 28/03/2025](#)

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