

NORTH YORKSHIRE COUNTY COUNCIL

NOTICE OF URGENT ITEM AND CALL IN EXEMPTION

**Access to Information Procedure Rule 16
Overview and Scrutiny Procedure Rule 16**

Local Government Review – Response to Government re Draft Structural Changes Order

To the Chairman of North Yorkshire County Council

The County 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.

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 Chairman of the body making the decision, obtains the written agreement of the Chairman of a relevant overview and scrutiny committee that the making of the decision is urgent and cannot reasonably be deferred. If there is no Chairman of a relevant overview and scrutiny committee, or if the Chairman of the relevant overview and scrutiny committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice-Chairman will suffice.*
- 16.2 *As soon as reasonably practicable after the decision maker has obtained agreement under Rule 16.1 above, s/he 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.*

The County Council's Constitution further provides that where the call-in procedure would otherwise apply to an executive decision, it shall not apply where the decision being taken is urgent, if an urgency procedure is followed.

Under Overview and Scrutiny Procedure Rule 16:

- (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 Chairman 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 Chairman, the Vice-Chairman's consent shall be required. In the absence of both, the Head of Paid Service or his/her 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.*

It is anticipated that on 17 November 2021 a report seeking agreement of the response to Government on the draft LGR Structural Changes Order will be considered by Leader.

The intention to make this key decision has not been published on the Forward Plan for the requisite 28 clear day period.

This matter requires an urgent decision by the Leader on 17 November 2021, and cannot reasonably be deferred, to enable the timely consideration and progress of this matter as a

response on the LGR Structural Changes Order needs to be submitted by the deadline of 17 November 2021.

The Council therefore needs to progress this matter within a short timeframe. As a consequence of the urgency of the timescales, the matter cannot be subject to the call in period. Overview and Scrutiny Procedure Rule 16 enables matters to be determined on an urgency basis and be exempt from call-in, where any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest, which is believed would be the case here.

To the Chairman of North Yorkshire County Council:

In accordance with the provisions in the Access to Information Procedure Rules, I am, therefore, informing you as the Chairman of the County Council, that it is intended that this matter be considered by the Leader on 17 November 2021 and I am seeking your agreement that the meeting and the making of the decision is urgent and cannot reasonably be deferred beyond this timeframe.

Furthermore, in accordance with the provisions in Overview and Scrutiny Procedure Rule 16(h), I am also seeking your agreement that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency (where any delay likely to be caused by the call in process would seriously prejudice the Council's or the public interest) and that the call-in procedure should therefore not apply to the decision.

If you agree that the meeting and the making of the decision is urgent, and this item should be considered on 17 November 2021 and cannot reasonably be deferred; and that the decision proposed is reasonable in all the circumstances and the call-in process should not apply, please confirm by email as soon as possible.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

Dated: 15 November 2021

I agree, for the reasons stated in this notice, that the meeting and the making of this decision is urgent and cannot reasonably be deferred; and that the decision proposed is reasonable in all the circumstances, that it should be treated as a matter of urgency and be exempt from call-in and that this item should be considered on 17 November 2021.

Signed Cllr Stuart Martin

Date 15 November 2021

Chairman of North Yorkshire County Council