

NORTH YORKSHIRE COUNTY COUNCIL

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

NOTICE OF URGENCY AND CALL IN EXEMPTION **Re Adult Social Care governance and prioritisation**

To the Chairman of the Care and Independence Overview and Scrutiny Committee and 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 11 January 2022 the Chief Executive Officer under emergency delegated decision-making powers (in consultation with members of the Executive) will consider a report regarding the review and determination of Adult Social Care governance and prioritisation in light of the continuing Covid19 pandemic and rising rates of the Omicron variant.

This matter requires an urgent decision by the decision taker and cannot reasonably be deferred, to enable the timely consideration and implementation of this matter to respond to public need and service delivery within a short timeframe. This means that not all of the usual access to information timescales can be met.

As a consequence of the urgency of the timescales, the decision referred to above will need to be implemented immediately. 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 it is believed would be the case here.

It is possible that urgent decisions, required to be implemented immediately, may need to be taken in relation to Adult Social Care governance and prioritisation before 11 January 2022, depending upon prevailing pandemic circumstances, in order to assist the urgent prioritisation and delivery of services to the public in a timely and efficient manner and to respond to public need and service delivery within a short timeframe. In order to ensure that swift and effective urgent decision making can take place in relation to these matters during the Christmas and New Year holiday period, it is also proposed that a blanket special urgency consent be sought from the Chair of the Care and Independence Overview Scrutiny Committee and a blanket call in exemption consent from the Chairman of the Council to enable the Chief Executive Officer under his emergency delegated powers or the Corporate Director Health and Adult Services (in relation to decisions for which he has delegated responsibility) under his delegated powers, where he believes it to be appropriate and in consultation with such other officers and Members as he sees fit, to take such urgent decisions with immediate effect during the Christmas and New Year holiday period to enable the Council to act and react quickly to changing circumstances and to avoid having to seek consent and issue notices on each and every occasion.

To the Chairman of the Care and Independence Overview and Scrutiny Committee: in accordance with the provisions in the Access to Information Procedure Rules, I am, therefore, informing you as the Chairman of the relevant Overview and Scrutiny Committee, that it is intended that the above matter be considered by the decision taker on 11 January 2022 and I am seeking your agreement that the making of the decision (and any urgent decisions regarding Adult Social Care governance and prioritisation during the Christmas and New Year holiday period) is urgent and cannot reasonably be deferred beyond this timeframe. If you agree, will you please confirm by email as soon as possible

To the Chairman of North Yorkshire County Council: in accordance with the provisions in Overview and Scrutiny Procedure Rule 16(h), I am seeking your agreement that the decision proposed (and any urgent decisions regarding Adult Social Care governance and prioritisation during the Christmas and New Year holiday period) 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, will you please confirm by email as soon as possible.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)
Dated: 23 December 2021

I agree, for the reasons stated in this notice, that the making of such decisions as referred to above are urgent and cannot reasonably be deferred.

Signed Cllr Karin Sedgwick **Date** 27 December 2021
Chairman of the Care and Independence Overview and Scrutiny Committee

I agree, for the reasons stated in this notice, that such decisions as referred to above are reasonable in all the circumstances, to them being treated as a matter of urgency and exempt from call-in.

Signed Cllr Stuart Martin **Date** 28 December 2021
Chairman of North Yorkshire County Council