

NORTH YORKSHIRE COUNTY COUNCIL

NOTICE OF CALL-IN EXEMPTION

Overview and Scrutiny Procedure Rule 16

Review of Special Educational Needs and Disabilities Provision: proposals to change provision at Brompton Hall School

To the Chairman of North Yorkshire County Council

The County Council's Constitution 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.

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 the 21 June 2022 a report presenting feedback from the first consultation and seeking approval for the next stage of consultation will be considered by the Executive. The intention to make this key decision has been published on the Forward Plan for the requisite 28 clear day period.

The timescales are such in this matter that the next stage of consultation is required to start on 22nd June 2022 in order to allow for a suitable period of consultation within school term time. Secondary to that is the school is also currently in the process of converting to become an Academy which requires this process to conclude in advance of conversion. This matter therefore requires an urgent decision by the Executive on the 21 June 2022, and cannot reasonably be deferred, to enable the timely consideration and implementation of the matter and there is insufficient time to allow for the usual 5 clear working day call-in period.

Overview and Scrutiny Procedure Rule 16(h) 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. Should the call in period not be exempted, then it would not be possible to conclude the consultation period within school term time.

To the Chairman of North Yorkshire County Council:

In accordance with the provisions in this Rule, I am therefore 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 exempt from call-in. If you so agree, will you please so confirm in writing as soon as possible.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Dated: 9 June 2022

I agree, for the reasons stated in this notice, that the decision proposed is reasonable in all the circumstances, to it being treated as a matter of urgency and exempt from call-in.

Signed

Date

The Chairman of North Yorkshire County Council/Head of Paid Service