

NORTH YORKSHIRE COUNTY COUNCIL

NOTICE OF CALL-IN EXEMPTION

Overview and Scrutiny Procedure Rule 16

Contract for Water Retailer to commence from the 1st April 2023

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 18 November 2022 a report seeking permission to procure a retailer for the supply of water, waste water for the corporate, including traded school & academy portfolios for the new council from 01 April 2023 will be considered by the Assistant Director Strategic Resources. The replacement contract will include the existing NYCC water meter points and the water meter points from the seven boroughs and districts which will be brought into the new supply contract as their existing contracts end.

The intention to make this key decision has been published on the Forward Plan for longer than the requisite 28 clear day period.

However, it has come to light that the County Council needs to submit its data into the procurement exercise by no later than 25 November 2022. Taking this into account, this matter now requires an urgent decision by the Assistant Director Strategic Resources on 18 November 2022.

In order to meet the deadline for the submission of data, the decision must be implemented without allowing for the usual 5 clear working day call-in period. Therefore, this decision cannot reasonably be deferred, to enable the timely consideration and implementation of the matter. 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, as in this case.

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: 10 November 2022

OFFICIAL

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 Cllr Margaret Atkinson

Date 10 November 2022

Chairman of North Yorkshire County Council