

NORTH YORKSHIRE COUNTY COUNCIL

NOTICE OF URGENT ITEM AND CALL IN EXEMPTION

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

A59 Kex Gill Project Development Grant Acceptance

**To the Chairman of the Transport, Economy & Environment Overview and Scrutiny
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 the 28 February 2023 a report providing an update on grant funding from the Department for Transport (DfT) for the A59 Kex Gill scheme and seeking acceptance of £5,883,739.00 of grant monies, will be considered by Executive Member for Highways & Transportation. This represents reimbursement of project development life cycle expenditure to date, to be paid this financial year ending 31 March 2023.

The intention to make this key decision has not been published on the Forward Plan for the requisite 28 clear day period and requires an urgent decision by Executive Member for Highways & Transportation on the 28 February 2023, and cannot reasonably be deferred, in order to meet the DfT 2022/23 expenditure deadline - acceptance of their grant offer must be made by 28 February 2023.

The Council therefore needs to progress this matter within a short timeframe. As a consequence of the urgency, the decision must be implemented immediately upon it being taken without allowing for the usual 5 clear working day 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.

To the Chairman of the Transport, Economy & Environment 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 this matter be considered by Executive Member for Highways & Transportation, both road and rail. bus services and engagement with Transport for the North on 28 Feb 2023 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. If you agree that the meeting and the making of the decision is urgent and cannot reasonably be deferred and that this item should be considered on 28 Feb 2023, 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 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 decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency and the call-in process not applying, and that this item should be considered on 28 Feb 2023, will you please confirm by email as soon as possible.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

Dated: 27 February 2023

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 this item should be considered on 28 February 2023.

Signed Cllr David Staveley

Date 27 February 2023

Chairman of the Transport, Economy & Environment Overview and Scrutiny Committee

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 and that this item should be considered on 28 February 2023.

Signed Cllr David Ireton

Date 27 February 2023

Chairman of North Yorkshire County Council