

NORTH YORKSHIRE COUNCIL

NOTICE OF URGENT ITEM

**Access to Information Procedure Rule 15 – General Exception
Overview and Scrutiny Procedure Rule 16**

Planned Kitchen and Bathroom Upgrades

**To the Chair of the Care & Independence and Housing Overview and Scrutiny Committee
and
the Chairman of North Yorkshire County Council**

The 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 15:

15.1 *If the publication of the intention to make a key decision is impracticable and a matter which is likely to be a key decision has not been included in the forward plan for the requisite period as set out in Rule 13.2, then subject to Rule 16 (special urgency), the decision may still be taken if:*

(a) *the Assistant Chief Executive (Legal and Democratic Services) has informed the Chairman of a relevant overview and scrutiny committee, or if there is no such person, each member of that committee by notice in writing, of the matter about which the decision is to be made;*

(b) *the Assistant Chief Executive (Legal and Democratic Services) has made copies of that notice available to the public at the offices of the Council and on the Council's website; and*

(c) *at least five clear days have elapsed following the day on which the Assistant Chief Executive (Legal and Democratic Services) complied with (a) and (b).*

15.2 *As soon as reasonably practicable after the Assistant Chief Executive (Legal and Democratic Services) has complied with (a) to (c) above, s/he must make available at the Council's offices a notice setting out the reasons why compliance with Rule 13.2 is impracticable and publish that 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 23 February 2024, the Assistant Director for Housing will consider a report seeking authorisation to undertake the procurement for the Planned Kitchen and Bathroom Upgrades contract. The procurement recommendation is to use a further competition on the Efficiency North General Building Works DPS - lot 28 for kitchen and bathroom upgrades. Two contracts will be procured that will cover the requirements.

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

This matter requires a decision by the Assistant Director - Housing on 23 February 2024 and cannot reasonably be deferred, to enable the timely consideration and progress of this matter and to ensure there is enough time to complete procurement before the existing contract expires following the changes to the procurement direction.

To the Chairman of the Care & Independence and Housing Overview and Scrutiny Committee:

In accordance with the General Exception provisions in Access to Information Procedure Rule 15, 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 the Assistant Director for Housing on 23 February 2024.

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 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 23 February 2024, will you please confirm by email as soon as possible.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services)

Dated: 5 February 2024

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 23 February 2024.

Signed Cllr David Ireton
Chairman of North Yorkshire County Council

Date 5 February 2024