

NORTH YORKSHIRE COUNCIL

NOTICE OF URGENT ITEM

Access to Information Procedure Rule 16 – Special Urgency

Swing Bridge Maintenance Contract

To the Chair of the Transport, Economy, Environment & Enterprise Overview and Scrutiny Committee

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 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.

It is anticipated that on 5 March 2024, the Corporate Director of Environment will consider a report seeking the procurement and awarding of an NEC 4 term service maintenance contract for Cawood Swing Bridge, A19 Toll Bridge, A63 Bypass Swing Bridge, Whitby Swing Bridge with a duration of two years. The approximate value of the contract will be £325k.

The intention to make the key decision is published on the Forward Plan however it has not been published on the Plan for the requisite 28 day period.

The existing maintenance contracts could not be extended due to their large value and there is a need to procure for a new contract as soon as possible as the target deadline for publishing tenders is 22 March 2024. This matter therefore requires an urgent decision by the Corporate Director of Environment on 5 March 2024 and cannot reasonably be deferred, to enable the timely consideration and progress of this matter.

In accordance with the provisions in the Access to Information Procedure Rules, I am, therefore, informing you as the Chair of the relevant Overview and Scrutiny Committee that it is intended that this matter be considered by the Corporate Director of Environment on 5 March 2024, and I am seeking your agreement that 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 5 March 2024, will you please so confirm in writing as soon as possible.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

Dated: 28 February 2024

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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 5 March 2024.

Signed Cllr David Staveley

Date 28 February 2024

Chair of the Transport, Economy, Environment & Enterprise Overview and Scrutiny Committee