

NORTH YORKSHIRE COUNCIL

NOTICE OF URGENT ITEM AND CALL IN EXEMPTION

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

**Contract Extension for Hard Facilities Management Mechanical Equipment and Plant:
Servicing and Responsive Maintenance**

**To the Chair of the Corporate and Partnerships Overview and Scrutiny Committee
and
the Chairman of North Yorkshire 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 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 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 26 Mar 2024 a report regarding Contract extensions for Hard Facilities Management Mechanical Equipment and Plant: Servicing and Responsive Maintenance from 1st April until 30th June 2024 will be considered by the Assistant Director - Property, Procurement & Commercial.

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

This matter requires an urgent decision by the Assistant Director - Property, Procurement & Commercial on 26 Mar 2024, and cannot reasonably be deferred, to enable the timely consideration and progress of this matter. A procurement exercise has taken place to establish new contracts for Hard Facilities Management Mechanical Equipment and Plant: Servicing and Responsive Maintenance, as the contracts established by the former County Council are due to expire on the 31st March 2024. The new contracts include provision to provide all relevant servicing and maintenance for additional Council properties as other (ex district and borough) contract arrangements expire, as well as provision for Property's Traded Service Property Solutions clients.

The intention to procure was entered onto the forward plan in February 2023, the decision to procure was made on the 3rd July 2023 and decision to award 26th January 2024, with the procurement being a key decision. Following the date of the decision to award, correspondence and evaluation clarifications have been occurring with contractors who submitted tenders, as part of the procurement standstill period and prior to the issue of award letters.

Following the issue of award letters and due to the size and service requirements of the new contracts, there is insufficient time for the contractors to mobilise for the new contracts to commence on the 1st April 2024. Therefore, there is a requirement for the current contractual arrangements to be extended for a 3-month period, with the new contracts expecting to commence on the 1st July 2024. This extension will enable continuity of service to facilitate essential and critical responsive and statutory compliance mechanical services (boiler, ventilation etc), until the new contracts which has been tendered come into place on the 1st July 2024.

The Council therefore needs to progress this matter within a short timeframe. As a consequence of the urgency of the timescales, the matter cannot be subject to the 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 Chair of the Corporate and Partnerships Overview and Scrutiny Committee:

In accordance with the provisions in the Access to Information Procedure Rules, I am, therefore, informing you as the Chair of the Corporate and Partnerships Overview and Scrutiny Committee that it is intended that this matter be considered by Assistant Director - Property, Procurement & Commercial on 26 Mar 2024 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 26 Mar 2024, will you please confirm by email as soon as possible.

To Chairman of North Yorkshire 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 26 Mar 2024, will you please confirm by email as soon as possible.

