

NORTH YORKSHIRE COUNCIL

NOTICE OF URGENT ITEM

Access to Information Procedure Rule 15 – General Exception

Electric Vehicle Charge Point Operator Procurement

**To the Chairman of the Transport, Economy, Enterprise and Environment 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 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.*

It is anticipated that on 31 October 2024, the Corporate Director of Environment will consider a report to note changes to the route to market and capital grant value since permission to procure was granted in July 2023 and seek permission to launch a procurement exercise for a Charging Point Operator (CPO)

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 Corporate Director of Environment on 31 October 2024 and cannot reasonably be deferred, to enable the timely consideration and progress of this matter. The decision to procure a CPO with a £6m contract was taken in July 2023 and is set to be released mid November. However, lengthy delays and a legal challenge to the Procurement Regulations 2016 has resulted in NYC having to change its contract route to market. Additional funding has also been received increasing the capital value available for tendering. The Corporate Director needs to be refreshed of these changes and a decision

required as soon as possible to progress through NYC procurement gateway procedures in order to meet our obligations with OZEV to go out to tender in November 2024.

In accordance with the General Exception provisions in Access to Information Procedure Rule 15, I am, therefore, informing you as the Chairman of the Transport, Economy, Enterprise and Environment Overview and Scrutiny Committee that it is intended that this matter be considered by Corporate Director of Environment on 31 October 2024.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

Dated: 18 October 2024