

NORTH YORKSHIRE COUNTY COUNCIL

Access to Information Procedure Rule 4

FURTHER NOTICE OF PRIVATE ITEM

A59 Kex Gill Diversion Contract Award

To the Vice-Chairman of the Authority

The County Council's Constitution provides that at least 28 clear days before a private meeting (a meeting, or part of a meeting, of the executive decision making body during which the public are excluded) the executive decision-making body must give notice of its intention to hold the meeting in private (including a statement of the reasons for holding it in private) by making the notice available at County Hall and at the venue for the meeting (if different) and publishing it on the Council's website.

The Constitution further provides that at least five clear days before a private meeting, the executive decision making body must give further notice of its intention to hold the meeting in private including:

- a statement of the reasons for holding it in private;
- details of any representations received about why the meeting should be open to the public; and
- a statement of its response to any such representations

by making the notice available at County Hall and at the venue for the meeting (if different) and publishing it on the Council's website

In relation to urgent private business, where the date by which a meeting must be held makes compliance with the above Access to Information Procedure Rules impracticable, the meeting may only be held in private where the executive decision making body has obtained agreement that the meeting is urgent and cannot reasonably be deferred from the chairman of the relevant overview and scrutiny committee; or, if there is no such person, or if s/he is unable to act, the chairman of the Authority; or where there is no chairman of either, the vice-chairman of the Authority.

As soon as reasonably practicable after such agreement is given to hold a private meeting, the executive decision making body must give notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred by making the notice available at County Hall and at the venue for the meeting (if different) and publishing it on the Council's website.

It is anticipated that on 19 July 2022 a report informing Members of the outcome of the tendering process and seeking approval to award the A59 Kex Gill diversion contract will be considered by the Executive. The intention to make this decision is published on the Forward Plan.

The report will contain exempt information as described in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) (information relating to the financial or business affairs of any particular person (including the authority holding that information)) and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

A notice giving the required 28 days' notice of the intention to hold this part of the Executive meeting in private was published on 9 February 2021 and confirmed that any representations as to why this part of the meeting should be held in public should be sent to:

Barry Khan
Assistant Chief Executive (Legal and Democratic Services)
North Yorkshire County Council
County Hall
Northallerton
North Yorkshire
DL7 8AD

Tel: 01609 532173

Email: barry.khan@northyorks.gov.uk

To date, no representations have been received as to why this part of the meeting should be held in public. It is therefore intended that this matter be considered in private by the Executive on 19 July 2022 for the reasons set out earlier in this notice.

The further notice of the intention to hold the meeting in private was not published 5 clear working days in advance of the meeting due to administrative error. The exempt information urgency procedure is therefore being followed.

This matter requires consideration by the Executive on 19 July 2022 and cannot reasonably be deferred to enable the timely consideration and progress of this matter and to meet project timescales, hence the need for this Notice under Access to Information Procedure Rule 4.

In accordance with the provisions in the Access to Information Procedure Rules, I am, therefore, informing you as the Vice-chairman of the Authority that it is intended that this matter be considered by the Executive on 19 July 2022 and I am seeking your agreement that the meeting in respect of this matter is urgent and cannot reasonably be deferred.

If you agree that the meeting in respect of this matter is urgent and cannot reasonably be deferred and that this item should be considered on 19 July 2022, will you please so confirm in writing as soon as possible.

BARRY KHAN
Assistant Chief Executive (Legal and Democratic Services)

Dated: 19 July 2022

I agree, for the reasons stated in this notice, that the meeting in respect of this matter is urgent and cannot reasonably be deferred and that this item should be considered on 19 July 2022.

Signed: County Councillor David Ireton
Vice-chairman of the Authority

Date: 19 July 2022