

NORTH YORKSHIRE COUNTY COUNCIL

NOTICE OF URGENT ITEM

Access to Information Procedure Rule 15 – General Exception

Construction Works on the A6131

To the Chairman of the Transport Economy & Environment Overview and Scrutiny Committee

The County 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 12 Apr 2021, Corporate Director of Business and Environmental Services will consider a report seeking permission to go to Tender for the construction works on A6131 The Bailey to form 2 Right Turn Lane Ghost Islands, two new site entrances, footpath works, drainage and all associated earthworks on behalf of Stonebridge Homes and R N Wooler.

The works value is anticipated to be £450-600,000. S278 works are required to be constructed through the NYCC HDS. This is a commercial opportunity, which will see the delivery of highway works funded by two developers and is required to enable the developers to discharge their planning commitments. There is also a small contribution towards the work from NYCC which is specific to the circumstances of this site. Works will be procured through the surfacing framework.

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 Corporate Director of Business and Environmental Services on 12 Apr 2021 and cannot reasonably be deferred, to enable the timely consideration and progress of this matter and The matter cannot reasonably be deferred to enable the timely consideration and progress of this matter, due to the timeframe for the tendering exercise..

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 Corporate Director of Business and Environmental Services on 12 Apr 2021.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services)

Dated: 23 March 2021

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 12 April 2021.

Signed County Councillor Stanley Lumley **Date** 23 March 2021