

**NORTH YORKSHIRE COUNTY COUNCIL**

**NOTICE OF URGENT ITEM AND CALL IN EXEMPTION**

**Access to Information Procedure Rules 16 and 19  
Overview and Scrutiny Procedure Rule 16**

**Department for Transport Capability Fund 2021/22**

**To the Chairman of the Transport, Economy and Environment Services Overview and  
Scrutiny Committee and  
the Chairman of North Yorkshire County Council**

Under Access to Information Procedure Rule 19.1:

*Where:*

- *an individual member of the Executive receives a report which he/she intends to take into account in making any executive decision; or*
- *an Officer (either alone or in consultation with an Executive Member) receives a report which he/she intends to take into account in making any key decision,*

*then (subject to Rule 16) he/she will not make the decision until at least five clear days after receipt of that report.*

If those timescales cannot be met, then the special urgency procedure in Access to Information Procedure Rule 16 should be 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 County 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 31 August 2021 a report regarding the acceptance of an offer of funding from the new Capability Fund from the Department for Transport will be considered by the Executive Member for Access, in consultation with the Corporate Director Business and Environmental Services, the Corporate Director Strategic Resources and the Assistant Chief Executive (Legal and Democratic Services).

The intention to make this decision has been published on the Forward Plan, however it has not been possible to publish the report on which the decision will be based at least five clear working days in advance of the decision being taken. It is therefore necessary to follow the Special Urgency procedure in Access to Information Procedure Rule 16 and to seek to exempt call in so the decision can be implemented immediately after it is taken.

This matter requires an urgent decision by the Executive Member for Access on 31 August 2021, and cannot reasonably be deferred, to enable the timely consideration and progress of this matter and to comply with project deadlines: the grant acceptance form must be returned to the DfT by 3 September 2021.

The Council therefore needs to progress this matter within a short timeframe. As a consequence of the urgency of the timescales, the matter would not be able to comply with the call in period requirements. 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. It is suggested that that would be the case in this matter.

**To the Chairman of the Transport, Economy and Environment Services Overview and Scrutiny Committee:** in accordance with the provisions in the Access to Information Procedure Rules, 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 the Executive Member for Access on 31 August 2021 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 31 August 2021, will you please confirm by email as soon as possible.

**To the Chairman of North Yorkshire County 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 31 August 2021, will you please confirm by email as soon as possible.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services)

Dated: 26 August 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 31 August 2021**

**Signed** County Councillor Stanley Lumley

**Date** 26 August 2021

**Chairman of the Transport, Economy and Environment Services Overview and Scrutiny Committee**

**I agree, for the reasons stated in this notice, that the decision proposed is reasonable in all the circumstances, to it being treated as a matter of urgency and exempt from call-in and that this item should be considered on 31 August 2021.**

**Signed** County Councillor Stuart Martin

**Date** 27 August 2021

**Chairman of North Yorkshire County Council**